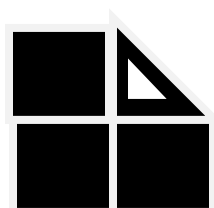


ARTHUR TOWNSHIP
ZONING ORDINANCE
CLARE COUNTY, MICHIGAN

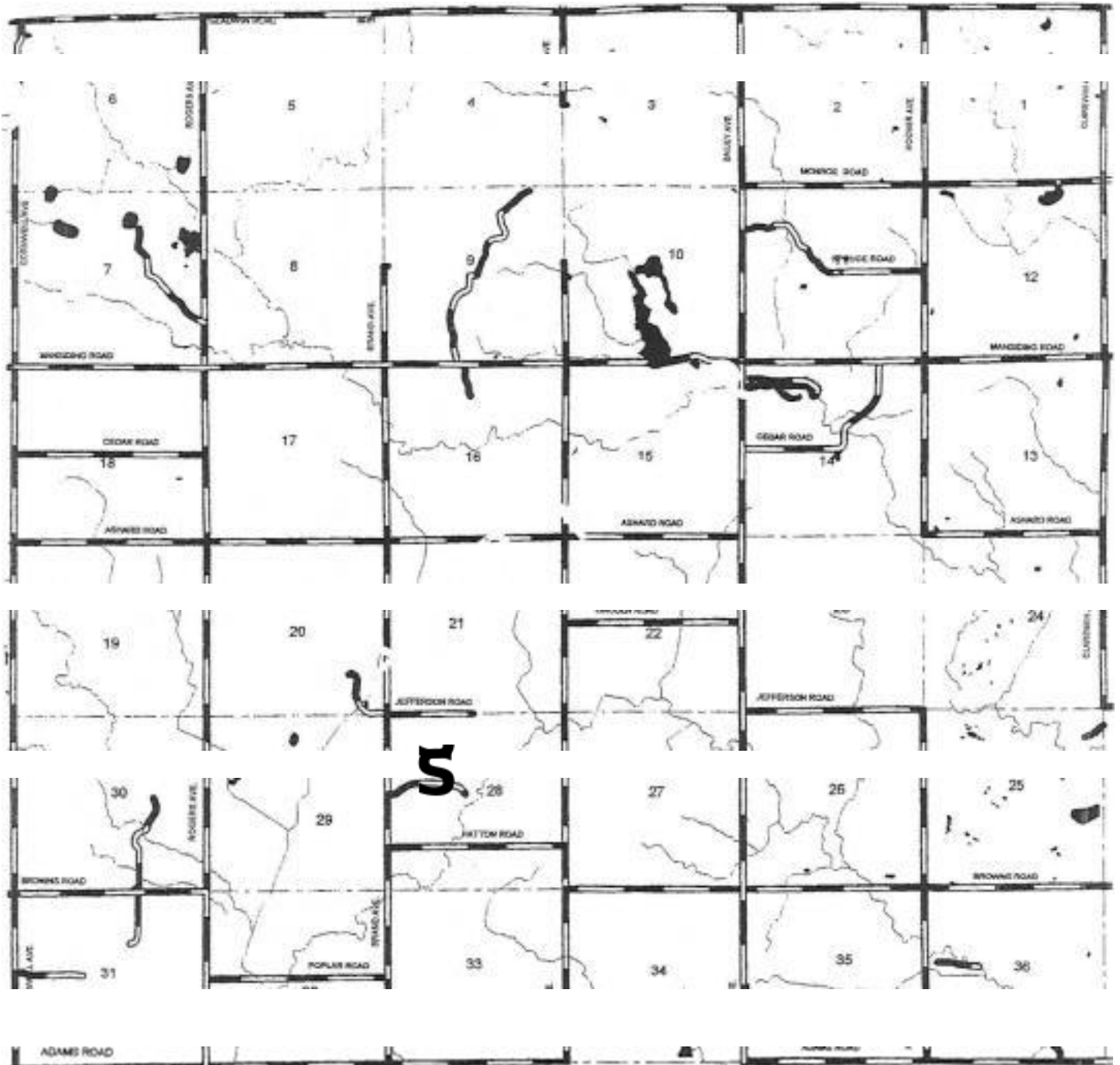
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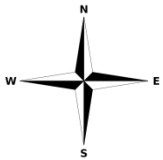
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ARTHUR TOWNSHIP, CLARE COUNTY MICHIGAN

Source: Michigan Dept of Natural Resources
Michigan Resource Inventory System



LEGEND

AG/RR - AGRICULTURAL / RURAL RESIDENTIAL

Zoning Map

ZONING ORDINANCE OF ARTHUR TOWNSHIP CLARE COUNTY, MICHIGAN

CHAPTER 1 PREAMBLE

SECTION 1.1 TITLE

This Ordinance shall be known as the “Zoning Ordinance of Arthur Township” and shall be referred to as “this Ordinance.”

SECTION 1.2 PURPOSE

This Ordinance is based on the Arthur Township Master Plan and designed to be the primary means for its implementation. It sets forth regulations and standards for the uses of land, structures, and natural resources of the Township and for development, redevelopment or restoration of all property by establishing requirements requisite to proper land use. The regulations of this Ordinance accomplish the purposes and objectives as outlined below by providing for land uses within each district, by acknowledging the unique impacts of special land uses through specific standards for their development in appropriate locations within selected districts; by promoting quality development by limiting the location, height, bulk, occupancy and uses of buildings and other structures by defining maximum residential density and specifying the percentage of a site available for building by providing for basic site design standards to ensure that land is developed in a functional and aesthetic manner, and by requiring various setbacks from property' lines and public street rights-of-way.

The objectives of the Arthur Township Ordinance are:

- A. To promote the public health, safety, and general welfare;
- B. To ensure that land uses shall be in appropriate locations and in proper relationships with other uses;
- C. To promote for open spaces in order to prevent the overcrowding of land and congestion of population, transportation, and public facilities;
- D. To promote for adequate and efficient transportation, sewage disposal, water, and energy systems, and for recreation, public safety, and other public service and facility needs;
- E. To cause and perpetuate the wise use of lands and natural resources in accordance with their character and their adaptability to development or not;
- F. To eliminate the improper use of land;
- G. To effect the proper and orderly development of the Township; and
- H. To accomplish the goals and objectives of the Township’s Master Plan.

To meet these objectives, Arthur Township is divided into districts of such number, shape and area, and of such common purpose, adaptability or use, that are deemed most suitable to protect the common rights and interests within each district and the Township as a whole, to preserve the property owners’ rights to the use of their lands, and to promote quality of life and business vitality.

The Zoning Districts Map delineates land uses within the Township and is organized into one basic zone: Except as provided in other sections.

Agricultural / Rural Residential District

Regulations for the district are divided into six parts:

Intent and Purposes, Permitted and Conditional
Uses, Property Development Standards
Performance Standards
Accessory Structures and Uses
Miscellaneous Regulations

SECTION 1.3 SCOPE

- A. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance, the provision which is more restrictive or which imposes the higher standard or requirement shall govern.
- B. This Ordinance shall not abrogate or annul any easement, covenant, or other private agreement. Where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.
- C. Zoning applies to every building, structure, or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance.
- D. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards, lots, or setback areas, created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
- E. Unless otherwise provided for by this Ordinance, any conditions attached to a lot as a result of public action taken pursuant to the application of this Ordinance shall remain in effect even though said lot may change ownership.
- F. The regulations herein established shall be minimum regulations for promoting and protecting the public health, safety, and welfare.

SECTION 1.4 AUTHORITY

This Ordinance is enacted in accordance with Public Act 110 of 2006, the Michigan Zoning enabling Act as amended.

SECTION 1.5 VALIDITY AND SEVERABILITY

This Ordinance and the various parts, subsections, paragraphs, sentences, phrases, and clauses thereof are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of the Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular lot, use, building, or structure, such ruling shall not affect the application of said provision to any other lot, use, building, or structure not specifically included in said ruling.

SECTION 1.6 EFFECTIVE DATE

- A. The previous Arthur Township Zoning Ordinance adopted 8 September 1975 along with all amendments is hereby rescinded.
- B. This Ordinance is adopted by the Arthur Township Board on 3 March 2003, and is ordered to take effect on 14 April 2003.

CHAPTER 2 DEFINITIONS

SECTION 2.1 RULES APPLYING TO THE TEXT

The following rules of construction shall apply to the text of this Ordinance.

- A. Except with respect to the headings contained in Section 2.2, the headings that title a chapter, a section or a subsection of this Ordinance are for the purposes of organization and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting any of its terms or provisions in any respect.
- B. The illustrations contained within this Ordinance are intended to exemplify hypothetical applications of the provisions of the text that refer to them, and shall not have the effect of enlarging or restricting those terms or provisions. In the event of any conflict between the provisions of the written text of the Ordinance and the illustrations, the text shall govern.
- C. When inconsistent with the context, words used in the present tense shall include the future tense, words in the singular shall include the plural and words in the plural shall include the singular.
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- E. A "building" or "structure" includes any part thereof unless specifically excluded.
- F. The word "person" shall include a firm, association, partnership, joint venture, corporation, trust, municipal or public entity, or equivalent entity or any combination of them as well as a natural person.
- G. The words "used" and "occupied", as applied to any land, building or structure, shall be construed to include the phrases "intended to be", "arranged to be" or "designed to be" used or occupied.
- H. The words "erected" or "erection" as applied to any building or structure, shall be construed to include the words "built", "constructed", "reconstructed", "moved upon", or any physical operation or work on the land on which the building or structure is to be built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.
- I. The particular shall control the general.
- J. Terms not herein defined shall have common, customary meanings.

SECTION 2.2 DEFINITIONS

For the purpose of their use in this Ordinance, the following terms and words are hereinafter defined:

Accessory Building or Structure is a building or structure that is detached from the principal building located on the same lot and is customarily incidental to the principal building.

Accessory Use shall mean a use incidental, related, appropriate, and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of such lot or building.

Adult Entertainment Establishment is any one, or combination of the following: adult bookstore, adult tavern or bar, adult cabaret, adult live entertainment, adult mini-motion picture theater, adult motion picture theater, adult novelty, adult video sales or rental, or related adult amusement. "Adult" in this context shall mean sexually explicit materials and actions not intended for exhibit to minors.

Agriculture is farms and general farming, including horticulture, floriculture, dairying, fish farming, livestock, and poultry raising, and other similar enterprises or uses.

Alley is a service way providing a secondary means of public access to abutting properties and not intended for general traffic circulation.

Bed and Breakfast Establishment is a use which is subordinate to the principal use of a dwelling as a single-family dwelling unit and in which transient guests do not stay more than seven (7) consecutive days and are provided a sleeping room and a breakfast in return for payment.

Bonafide Commercial Agricultural Operation is the raising of plants or animals, commonly grown in Central Lower Michigan, on a parcel of land appropriate for a continuing agricultural enterprise.

Building is any structure which is erected having a roof supported by columns or walls.

Building Height shall mean the vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the highest point of the highest gable of a pitch or hip roof, but exclusive of vents, mechanical equipment, chimneys, or other such incidental appurtenances.

Building Site shall mean a legally created parcel or contiguous parcels of land in single or joint ownership that provides the area and the open spaces required by this Ordinance for the location or construction of a building, exclusive of all vehicular and pedestrian rights-of-way and all other easements that prohibit the surface use of the property by the owner thereof.

Development Site Plan is the documents and drawings required by the Zoning Ordinance necessary to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

Drive-Through Business is a business establishment organized so that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in their vehicles.

Dwelling, Multiple-Family is a building containing three (3) or more dwelling units with a minimum 420 square feet per dwelling unit, designed for exclusive use and occupancy by three (3) or more families.

Dwelling, Single-Family is a building designed for exclusive use and occupancy as a dwelling unit by one (1) family, complying with the following standards:

1. A single-family dwelling shall have a minimum of 750 square feet of living space.
2. It complies in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Commission under the provisions of Public Act 230 of 1972, as amended, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards and regulations for construction are different from those imposed by the state building code, then, and in that event, such federal or state standard or regulation shall apply.
3. It is firmly attached to a permanent foundation constructed on the site in accordance with the building code in effect, and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
4. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the District Health Department.
6. The dwelling contains a storage area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to, or of better quality than the principal dwelling, which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever is less.

7. The dwelling contains no additions or rooms or other areas which do not meet the same construction requirement listed above and are permanently attached to the principal structure.
8. The dwelling complies with all pertinent building and fire codes.
In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
9. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance.
10. All construction required herein shall be commenced only after a zoning permit and building permit have been obtained in accordance with the applicable health and building code provisions and requirements.

Dwelling, Two-Family (Duplex) is a building containing two (2) separate dwelling units, one unit having a minimum 720 square feet and the other having a minimum of 420 square feet, designed for residential use by no more than two (2) families and connected by either a common wall or an attached garage area.

Dwelling Unit is a building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation.

Essential Service is a service utility which is needed for the health, safety, and welfare of the community. In Michigan, most of these services are controlled by the Public Services Commission. These services include electric transmission lines per P.A. 1995 30.

Family is an individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling.

Flag Lot is a lot not fronting on or abutting a road where access to the road is by a narrow, private right-of-way.

Floor Area is the total area of the floor space include the outside walls of a building, exclude porches, breezeways, garage, attics, basements, utility areas, cellars or crawl spaces, but which may include that portion of a walkout basement that is finished for everyday living and not just for storage or occasional use.

Frontage is the continuous length along which a parcel of land fronts on a road or street, measured along the line where the property abuts the street or road right-of-way.

Garage-Private is a detached accessory building or portion of a main building used only for the parking or storage of vehicles.

Garage-Private is a detached accessory building or portion of a main building used only for the parking or storage of vehicles.

Garage - Public is a building other than a private garage used for the commercial purpose of parking, storing, repairing or equipping motor vehicles.

Home Occupation is an occupation or profession carried on by an occupant of a dwelling unit as a secondary use which is clearly ancillary to the use of the dwelling and parcel for residential purposes. No more than two (2) non-family members may be employed in such activity; outdoor storage shall be completely screened; and no activity shall become a nuisance to its immediate neighbors or neighborhood.

Indoor Recreation Establishment is a facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors within an enclosed building and operated as a business and open for use by the public for a fee, such as health and fitness centers, bowling alleys, indoor softball, and racquetball and tennis clubs.

Kennel is any land, building, or structure where eight (8) or more cats and/or dogs over six (6) months of age are either permanently or temporarily boarded, housed, bred or sold for profit.

Land Division is any splitting or dividing of a plot of land (parent parcel) that results in the creation of a new defined parcel or parcels of land from the original parent parcel.

Lane is a service way providing a secondary means of public access to abutting properties and not intended for through traffic.

Large Scale Livestock Operation is a farming enterprise where numbers of animals significantly more than historically raised in general agriculture are raised usually in confinement or dry lot, also known as a large confined animal feeding operation.

Loading Area is a space on the same lot with a building, or group of buildings, for the temporary parking of commercial vehicles while loading and unloading merchandise or materials.

Lodge is a building or group of buildings, tents, travel trailers or recreational vehicles set up for hunting or other special season outdoor recreational outdoor activities.

Lot is a parcel of land separated from other parcels of land by a recorded description in a plat, by metes and bounds, or a condominium master deed, having frontage upon a public or private street and having sufficient size to comply with the requirements of this Ordinance.

Lot Area is the total area included within lot lines. Where the front lot line is the centerline of a public street, the lot area shall not include that part which is in the public right-of-way.

Lot Depth is the arithmetic mean of the shortest and longest distance from the front lot line to the rear lot line.

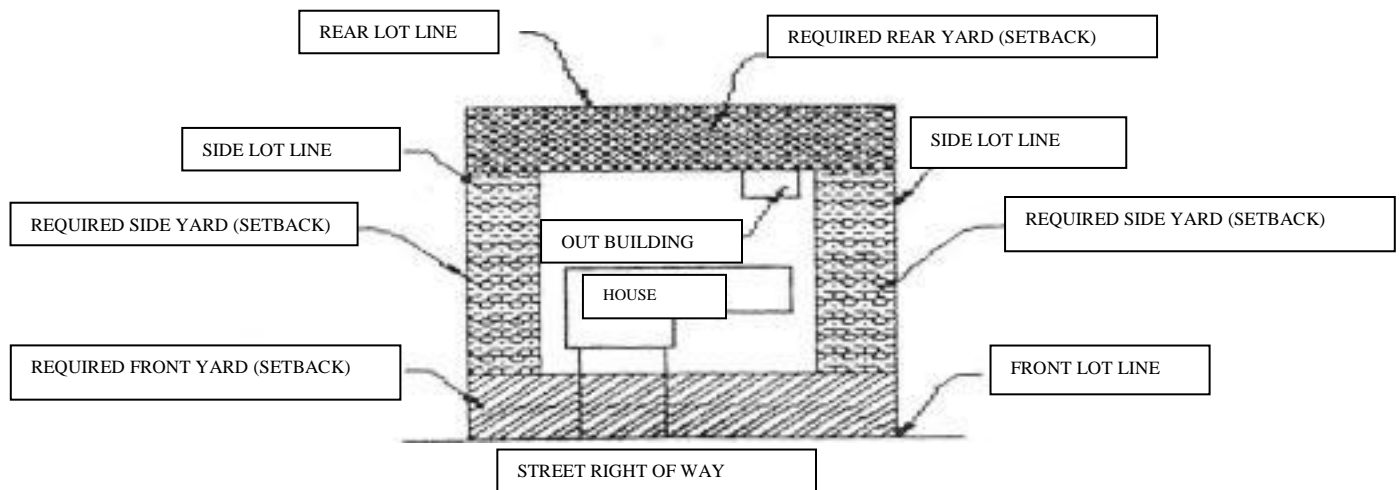
Lot Line is the line bounding a lot, parcel, or general or limited common element that separates the lot, parcel, general or limited common element from another lot, parcel, general or limited common element, existing street right-of-way, approved private road easement, or the ordinary high water mark.

Lot Line, Front is the lot line separating a lot or parcel from a street right-of-way (refer to Figure 1), or in the case of a lake lot, the ordinary high water mark.

Lot Line, Rear is the lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line at least ten (10)feet in length, entirely within the lot, and generally parallel to and most distant from the front lot line (refer to Figure 1).

LOT LINES AND MINIMUM REQUIRED YARDS

Figure 1



Lot Line, Side is any lot line not a front or rear lot line (refer to Figure 1).

Manufactured Home is a mobile home, residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long-term residential use and is wholly or substantially constructed at an off-site location, transported to a site, and erected.

Mobile Home is a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, HVAC, and electrical system in the structure. Mobile home does not include a recreational vehicle or motor home.

Motor Vehicle Sales and/or Repair is any establishment engaged in the sale, rental, or leasing of new or used automobiles, vans, pick-up trucks, recreational vehicles, or travel trailers, or a business performing repairs on such vehicles.

Motor Vehicle Service Facility is any establishment engaged in the direct retail sale of gasoline or other engine fuels, motor oil or lubricants, performing interior or exterior cleaning, sale of tires, parts or accessories, inspection, lubrication, engine tuning, or repair for automobiles, vans, pick-up trucks, or other motor vehicles.

Non-Conforming Use is the use of a building or of land lawfully existing at the time this Ordinance or any amendments become effective but does not conform with the use regulations of the district in which it is located.

Non-Conforming Structure is a structure, or portion thereof, lawfully existing at the time this Ordinance or amendments become effective and fails to meet the minimum requirements of the zoning district in which it is located.

Off-Site Sign is a sign which advertises or directs attention to products or activities that are not provided on the parcel upon which the sign is located.

Ordinary High Water Mark is the line between upland and bottom land which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland, and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake which has a level established by law it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, levee, or other water controlling device, it shall be the natural ordinary high water mark.

Outdoor Recreation Establishment is a facility designed and equipped for the conduct of sports, amusement or leisure activities, and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis courts, archery ranges, golf courses, miniature golf courses, golf driving ranges, and amusement parks.

Owner(s) shall mean any combination of persons who have equitable or legal title to the premises, dwelling, or dwelling unit.

Planned Development is an area of a minimum contiguous size, as specified by this Ordinance, developed according to a plan as a single entity and containing one or more structures with appurtenant common areas.

Principal Use is the main use to which a premises is devoted and the principal purpose for which a premises exists.

Private Road is any road or thoroughfare for vehicular traffic which is privately owned and maintained and provides the principal means of access to abutting properties.

Public Street is a public thoroughfare for vehicular traffic which is publicly owned and maintained and provides the principal means of access to abutting properties.

Recreational Cabins - Temporary living quarter (ninety days in a calendar year or less).

Recreational Vehicle is a vehicle designed and intended primarily for recreational use, such as a motor home, camper trailer, boat, snowmobile, off-road and all-terrain vehicle, or similar vehicle or trailer. The term “recreational vehicle” shall not include a motorcycle or motor bike or other similar means of transportation intended primarily for daily on-street use. ’

Retail Store is any building or structure in which goods, wares, or merchandise are sold to a customer for direct consumption and not for resale.

Right-of-way is a street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles and under the legal authority of an agency having jurisdiction over the right-of-way.

Road refer to definition of “street”.

Salvage is material saved for future use, recycling, or sale.

Salvage Yard is any principal or accessory use where salvage or its component parts are bought and sold, exchanged, stored, baled, packed, disassembled, separated, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A “salvage yard” includes automobile wrecking yards and includes any area of more than four hundred (400) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Screen is a structure such as a fence or wall, providing enclosure and visual barrier between the area enclosed and the adjacent property.

Seasonal is any use or activity that cannot or should not be performed during the entire year.

Setback is the required minimum horizontal distance between a lot line or other controlling entity and a building, structure, or use line.

Sign Is an outdoor sign, display, figure, painting, drawing, message, placard, or poster which is designated, intended, or used to advertise or inform.

Site Condominium Projects are land developments done in accordance with the Condominium Act (Public Act 59 of 1978), as amended. All such developments shall follow the standards and procedures of Section 5.10, Planned Developments, and meet the requirements of the district(s) for which they are intended.

State Licensed Residential Facility is a structure that is constructed for residential purposes that is licensed pursuant to Public Act 287 of 1972 or Public Act 116 of 1973 which provides resident services for six (6) or less.

Street is a approved thoroughfare which affords the principal means of access to abutting properties.

Structure is anything constructed, assembled or erected, the use of which is intended to be permanent or lasting, and requires location on the ground or attachment to something having a location on or in the ground. The word “structure” shall not apply to wires and their supporting poles or frames or electrical or telephone utilities or to service utilities below the ground or agricultural fencing.

Telecommunication Tower or Antenna is any device erected for receiving or transmitting radio, television, or data communication signals.

Uniform Setback is where fifty (50) percent or more of the frontages of existing structures along a roadway between two (2) intersecting streets maintain the same minimum setback.

Use is the purpose for which land or a building (or buildings) is arranged, designed or intended, or for which land or a building (or buildings) is or may be occupied and used.

Variance is a modification to the rules or provisions of this Ordinance which may be granted by the Zoning Board of Appeals where there is practical difficulty or unnecessary hardship in carrying out the strict letter of the Ordinance.

Vehicle is any device in, upon, or by which any person or property is or may be transported or drawn upon any street, highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

Yard is a space open to the sky and unoccupied or unobstructed, except by structures or uses specifically permitted by this Ordinance. A required yard is measured between the applicable lot line and the nearest foundation line of a building or structure.

Yard, Front is the yard extending across the full width of the lot, the depth of which is the distance between the front lot line and foundation line of the main building (refer to Figure 1).

Yard, Rear is the yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear foundation line of the main building (refer to Figure 1).

Yard, Side is the yard between the foundation line of the main building and the side lot line extending from the front yard to the rear yard (refer to Figure 1).

CHAPTER 3 NON-CONFORMITIES

SECTION 3.1 INTENT AND PURPOSE

It is the intent of this Chapter to provide for the use of lands, buildings, and structures which were lawfully established prior to the effective date of this Ordinance to continue, even though the use may be prohibited or differently regulated under the terms of this Ordinance. Such non-conforming lots, uses of land, structures, and uses of structures are declared by this Ordinance to be incompatible with permitted conforming uses, buildings, and structures. In order to adequately regulate the conflicts between conforming and non-conforming uses, buildings, and structures, the regulations that follow are enacted.

SECTION 3.2 NON-CONFORMING LOTS

Refer to Chapter 4 General Provisions, Section 4.4 Substandard Lots.

SECTION 3.3 NON-CONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use on a parcel of land exists that becomes non-conforming under the terms of this Ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provision:

No such non-conforming use shall be enlarged or increased to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

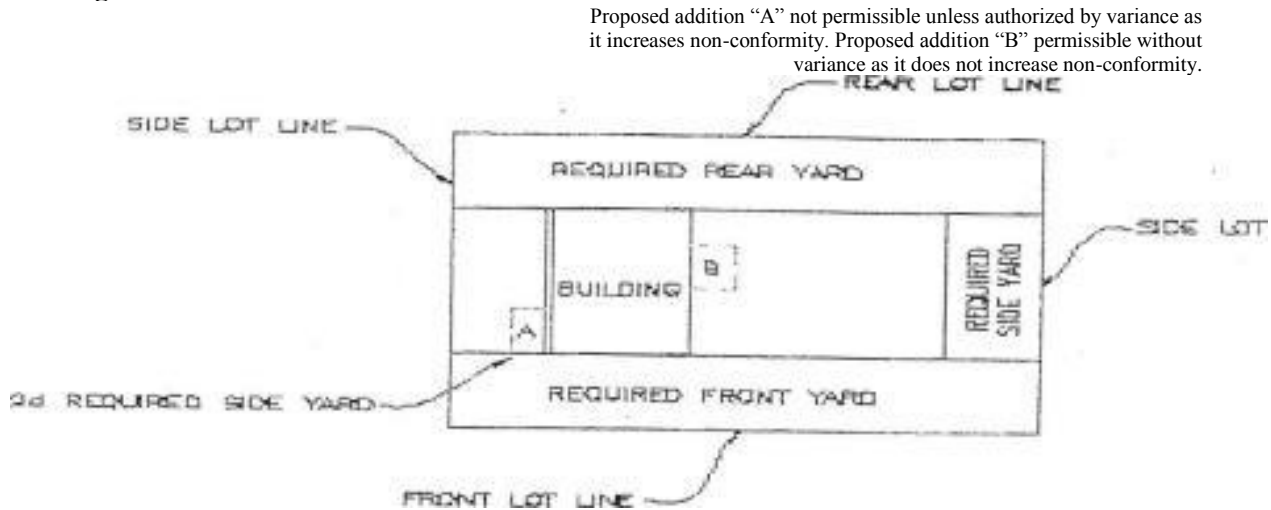
SECTION 3.4 NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restriction on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions (refer to Figure 2):

- A. No such structure may be enlarged or altered in a way which increases its non-conformity'.
- B. Any such structure destroyed by fire or an act of God may be reconstructed, but as nearly conforming with the provisions of this Ordinance as possible.
- C. Should such structures be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the area into which it is located.

NON-CONFORMING STRUCTURES

Figure 2



SECTION 3.5 REPAIR AND REPLACEMENT OF NON-CONFORMING STRUCTURES

On any building devoted in whole or in part to any non-conforming use, ordinary maintenance may be done. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 3.6 CHANGE OF TENANCY OR OWNERSHIP

There may be change of tenancy, ownership or management of any existing nonconforming use of land, structure, or premises provided there is no change in the nature of the character of such non-conforming use that would be at variance with the provisions of this Chapter and Ordinance.

SECTION 3.7 ABANDONMENT OF NON-CONFORMING USES AND STRUCTURES

- A. If for any reason a non-conforming use is abandoned or discontinued for a period greater than 365 consecutive days, the use shall not be allowed to be re-established, and any subsequent use shall conform to all the requirements and provisions of this Ordinance. Under extraordinary circumstances, a petition may be made to the Zoning Board of Appeals to extend the period of disuse or re-establish the non-conforming use.
- B. If for any reason the use of a non-conforming structure ceases to exist or is discontinued for a period of more than 365 consecutive days, no use shall be allowed to occupy the structure, unless authorized by the Zoning Board of Appeals.

CHAPTER 4 GENERAL PROVISIONS

SECTION 4.1 INTENT AND PURPOSE

In addition to the development and performance requirements set forth in Chapter 5, other standards and requirements are necessary to ensure that the development of land occurs in an efficient and orderly manner. It is the intent of this Chapter to set forth provisions that will regulate the uses allowed in all districts.

SECTION 4.2 ACCESSORY BUILDINGS

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulation:

Where an accessory building is structurally attached to a main building, except where otherwise noted, it shall be subject to and must conform with all regulations applicable to the main building.

SECTION 4.3 LOT ALLOCATION

No portion of any lot or parcel used once to comply with the provisions of this Ordinance for yards, lot area, or any other requirement herein, shall be used a second time to satisfy said requirements for any other structure or building.

SECTION 4.4 SUBSTANDARD LOTS

Any residential lot or parcel created and recorded prior to the effective date of this Ordinance may be used for residential purposes even though the lot does not comply with the dimensional requirements of this Ordinance, provided:

- A. That the lot or parcel complies with Section 4.3 of this Chapter.
- B. That a proposed building, structure, or use for the lot satisfies the yard requirements set forth in Chapter 5 of this Ordinance to the greatest extent possible.
- C. That the requirements set forth in Section 4.14 of this Chapter are fulfilled.

SECTION 4.5 NUMBER OF DWELLING UNITS OR PRINCIPAL STRUCTURES PER LOT

Unless otherwise permitted by this Ordinance, only one (1) dwelling unit or other principal structure shall be constructed or placed on one lot meeting the minimum lot area requirements set forth in Chapter 5. In the case of condominium developments, unit area and limited common areas may be used to satisfy lot area requirements; general common areas shall not be applied toward satisfying minimum lot area requirements.

SECTION 4.6 ESSENTIAL SERVICES

Essential service transmission lines such as electric, telephone, gas or other similar utilities, are permitted in all districts, provided, that the services are authorized, regulated, and in compliance with other applicable laws, ordinances and regulations. Buildings accessory to such services, however, are subject to the requirements set forth in this Ordinance. Telecommunication towers and antennas are subject to P.A. 2014 143 and applicable Federal requirements (See Section 4.9). This ordinance is also subject to any required transmit authority act in effect. .

SECTION 4.7 FENCES. WALLS. AND SCREENS

Fences, walls, or screens are permitted in all yards, but shall be subject to sight distance requirements at drives and roadways.

SECTION 4.8 PORCHES AND DECKS

Open, unenclosed porches and decks without foundations, or paved terraces may project into a required rear, side or front yard provided that the porch, deck or terrace is located no closer than ten (10) feet from any lot line.

SECTION 4.9 SATELLITE DISH ANTENNA. TELECOMMUNICATION TOWERS AND ANTENNA.AND SIMILAR STRUCTURES

- A. Satellite dish antenna, television antenna, amateur radio antenna, and other structures similar in size, shape and function are permitted in zoning districts subject to the following:
 1. All satellite dish antenna, television antenna, amateur radio antenna and other similar structures shall be subject to the following setback requirements:
 - a. All satellite dishes shall be located no closer than ten (10) feet from any side or rear lot lines.
 - b. All antenna and antenna towers shall be located no closer than the height of the tower from any lot line. Antenna and antenna towers greater than ninety (90) feet in height shall require a Special Use Permit.
 - c. Satellite dishes may be placed or mounted on poles, however, they shall be subject to building height limitations.
- B. Telecommunication towers and antenna shall be subject to the regulations of the districts in which they are allowed in addition to the following:
 1. All towers, tower structures, poles for holding telecommunication antenna, and other like structures require zoning and building permits.
 2. All towers and antenna must meet applicable state and federal regulations.
 3. All towers shall be designed to accommodate co-location of antenna by additional users.

4. Tower height shall be limited to 199 feet unless justified to the Township's sole satisfaction.
5. No tower shall be closer to any boundary of the lot on which it is sited than its height.
6. Towers shall be separated from one another in accordance with the following table:

Table 1: Separation distances between towers (feet)

	Lattice	Guyed	Monopole Greater Than 75 Ft in Height	Monopole Less Than 75 Ft in Height
Lattice	5000	5000	1500	750
Guyed	5000	5000	1500	750
Monopole Greater Than 75 Ft in Height	1500	1500	1500	750
Monopole Less Than 75 Ft in Height	750	750	750	750

7. An applicant for the installation of a telecommunication tower shall provide the Township a statement explaining the necessity for such a proposed tower.
8. The owner of any tower installed in the Township shall provide a Certificate of Insurance listing Arthur Township as an additional insured party.
9. The Township may require the owner of any tower installed in the Township to provide a bond or performance guarantee that will ensure the removal of its tower and all appurtenance structures and equipment if its use shall be discontinued for more than 365 consecutive days.
10. The Township may retain a qualified expert to aid in its review of an applicant's request; the expense of this review shall be borne by the applicant.

SECTION 4.10 ROAD ACCESS REQUIREMENTS

- A. Every lot shall have access to a public road or dedicated easement.
- B. A new road or driveway access to an existing state highway shall be allowed no closer than State requires.
- C. Shared driveway areas or easements shall be a minimum of thirty-three (33) feet wide.

SECTION 4.11 TEMPORARY OUTDOOR EVENT USES

Temporary outdoor event uses may be permitted in any zoning district provided that the temporary use is similar in nature to those uses that are allowed by right in the district. Any others require a review by the Planning Commission and may require an approved site plan and/or a public hearing at the Commission's discretion in accordance with Chapter 9.

A zoning permit identifying the location, sponsoring group or individual, and the beginning and ending dates of the use must be obtained from the Zoning Administrator by an event sponsor. The Zoning Administrator shall determine the off-street parking requirements for the event.

SECTION 4.12 PERMITS

- A. No construction activity requiring a building or driveway permit shall commence until a zoning permit and building or driveway permit has been issued.
- B. Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within one year after the date the permit was issued.
- C. Accessory structures 200 sq. ft. or smaller do not require a zoning permit.

SECTION 4.13 REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES

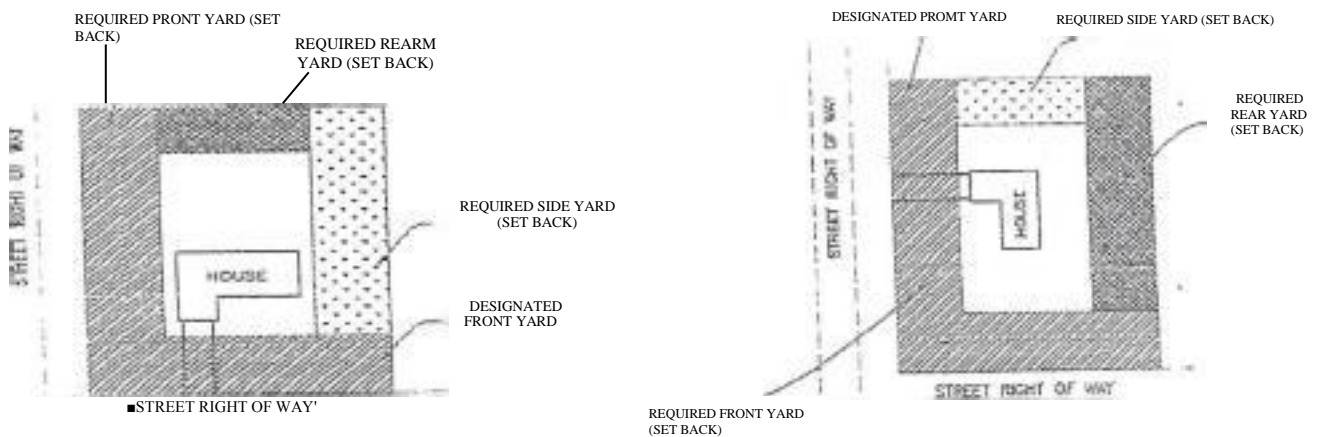
No structure shall be erected, altered, or moved upon any parcel for use as a dwelling, office, business, industry or public facility unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, or industrial waste. All such installations and facilities shall conform with the requirements of the District Health Department and applicable state agencies and all applicable permits authorizing said facilities shall be obtained. The owner or applicant for any zoning permit shall demonstrate the availability of potable water and public sewer connections or adequate space for septic fields with appropriate reserve areas and setbacks specific to site conditions, but in no case should a septic field be closer than ten (10) feet to a lot line.

SECTION 4.14 CORNER LOTS

Lots or parcels which have frontage on two (2) or more streets shall be subject to the following (refer to Figure 3):

The lot or parcel owner shall designate which yard shall be considered the front yard for the purposes of establishing the rear and side yards. Structures shall be set back the required front yard distance on both streets.

CORNER LOTS
Figure 3



SECTION 4.15 PRIVATE ROAD STANDARDS

Landowners installing a private roadway for three (3) or more dwellings shall meet the following standards:

- A. Road construction details shall be provided as part of a site plan review in accordance with the requirements of Chapter 9 Development Site Plan Review. Review and approval of a private road will be based upon at minimum:
1. The number of parcels to be served;
 2. How the proposed road will fit into the thoroughfare system of the township and county;
 3. The topography and design of the development.

The Township may hire or require an analysis by a qualified engineer or other traffic expert at the applicant's expense to aid in its review. If reasonable standards for road design and construction cannot be agreed upon, Clare County standards for subdivision plat development shall be required.

- B. The edge of the travelway or paved portion of the road shall be a minimum of six (6) feet from the property boundary unless it is a shared driveway. The Planning Commission may require a greater distance if surrounding uses indicate a greater distance necessary to separate existing or future incompatible uses.
- C. No fence, wall, shrubbery, crops, signs, or other visual obstruction shall be permitted above a height of thirty-six (36) inches within a triangular area formed by the intersection of any street or road right-of-way lines at a distance along each such line of twenty (20) feet from their point of intersection.
- D. All dead-end roads shall terminate in a cul-de-sac with at least a forty-eight (48) foot radius or a T-shaped or hammer-head turnaround sufficient for emergency vehicle turnaround.
- E. Roads shall be named and names shall be approved by the County Road Commission and County Emergency Management Authority. Road signs shall be installed and maintained. Where stop signs or other traffic regulations signs are indicated, they shall conform to uniform traffic sign size, shape, color and installation.
- F. The Township may require installation of a private road, and the posting of a sufficient bond for construction thereof, before Zoning or Building Permits are issued.
- G. As-built drawings of installed roads certified by a registered engineer shall be supplied to the Township upon completion of road construction.
- H. A copy of the maintenance agreement providing for safe travel on the road at all times, which shall be a deed-recorded covenant for all parcels to be served by a private road, shall be provided to the Township.

- I. Landowners creating private roads shall provide the Township with a recorded easement, master deed or plat containing the said private road(s) and an affidavit
 1. The road(s) to be constructed shall never become public roads, unless brought to the Clare County Road Commission standards in effect at the time of application and are accepted by the Road Commission, and
 2. That these landowners shall indemnify and hold harmless the Township and its representatives from any and all claims for personal injury or property damage arising from the use of the private road(s). This recorded affidavit shall become a deed restriction of all parcels to which the proposed road will provide access and shall be disclosed at the time of sale or transfer of any parcel.

SECTION 4.16 SUBDIVISIONS. LAND DIVISIONS. AND SITE CONDOMINIUM DEVELOPMENTS

Subdivisions, land divisions, and site condominium developments are reviewed and permitted as Planned Developments in any district where planned developments are allowed subject to the standards and conditions of Section 5.10 of this Ordinance.

SECTION 4.17 SHORT TERM AND SEASONAL USE OF TRAILERS. CAMPER. CABINS AND RECREATIONAL VEHICLES AS TEMPORARY RECREATIONAL LIVING QUARTERS

This Section establishes regulations that permit the temporary placement and occupancy of campers, small trailers, or other recreational vehicles on lots outside of licensed campgrounds for the purpose of providing temporary living quarters for recreational use. It shall be unlawful for any individual to place or occupy a recreational vehicle on a lot or parcel outside of a licensed campground except as provided in this Section.

In addition, this Section shall not be construed to permit the temporary placement and occupancy of mobile homes on vacant lots outside of mobile home parks unless all other provisions of this Ordinance that apply to the use and occupancy of singlefamily dwellings have been met.

Trailers, campers, and other recreational vehicles may be placed and occupied as temporary living quarters on a vacant lot, or on a lot occupied by a single-family dwelling, subject to the following conditions:

- A. For the purpose of this Section, “temporary living quarters” shall be defined as ninety (90) days or less.
- B. One (1) trailer, camper, cabins or other recreational vehicle may be placed on a lot of ten (10) acres or less for seasonal use. One additional unit is allowed per each additional ten (10) acres with four (4) being the maximum number

of temporary units allowed. More than four (4) trailers, campers, or other recreational vehicles on a lot shall be considered a lodge or club (See Section 5.5.2 Forest and Recreational Uses).

- C. Trailers, campers, and other recreational vehicles placed on vacant lots shall comply with all applicable setbacks and other regulations.
- D. All recreational vehicles placed and occupied under the provisions of this Section shall comply with all District Health Department regulations that apply to the use and occupancy of trailers, campers, and other recreational vehicles outside of licensed campgrounds.
- E. Recreational vehicles placed under the provisions of this Section shall be maintained such that they do not become infested with vermin and debris and become health hazards. Any units in such condition shall be removed or destroyed.
- F. Cabins, shall not be construed as permanent living quarters.
- G. Cabins must conform to County & State building codes.

CHAPTER 5 DISTRICT REGULATIONS

SECTION 5.1 INTENT AND PURPOSE

For the purposes of this Ordinance, all land within Arthur Township, excepting the roadways and alleys, is zoned the following Zoning District:

AG/RR Agricultural / Rural Residential

For the specific regulations and requirements of the district listed above, refer to Sections 5.5 - 5.9. Section 5.10 allows for and regulates Planned Developments (PD) within the above district.

SECTION 5.2 OFFICIAL ZONING MAP

The boundaries of zoning district are defined and established as shown on a map entitled the Arthur Township Zoning Map. This map, with all explanatory matter thereon, is hereby made a part of this Ordinance. The official Zoning Map shall be kept by the Township Clerk and shall be maintained by the Zoning Administrator.

SECTION 5.3 INTERPRETATION OF BOUNDARIES

Where uncertainty exists with respect to the boundaries of the district indicated on the official Zoning Map, the following rules shall apply:

- A. Boundaries shown following streets or highways shall be presumed to follow the centerline of these roadways.
- B. Boundaries shown approximately following Township boundary lines or property lines shall be presumed to follow these lines.
- C. Boundaries shown approximately parallel to the centerline of streets or alleys shall be interpreted as being parallel thereto and at such a distance there from as indicated by given distance or scaled dimension.

SECTION 5.4 CLASSIFICATION OF USES NOT LISTED

The Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned by this Ordinance, as described in Chapter 11. Said use shall be treated in a like manner with comparable uses, as determined by the Zoning Board of Appeals, and permitted or prohibited in accordance with the District Regulations found in any Zoning District.

SECTION 5.5 AGRICULTURAL/RURAL RESIDENTIAL DISTRICT (AG/RR)

The purpose and intent of the Agricultural/Rural Residential District is to provide areas for agricultural and farming operations, forestry and recreational uses, residential areas, commercial, institutional and industrial uses in a manner that is ecologically and economically sound and compatible with the rural nature and character of the Township.

SECTION 5.5.1 AGRICULTURAL USES

A. Permitted Principal Uses:

All historically practiced general agricultural uses. (Large scale livestock enterprises see “Special Uses.”)

Agricultural research enterprises.

Farm dwellings, accessory buildings, farm labor housing:

1. All new dwellings and structures require a Township Zoning permit.
2. More than one farm dwelling shall not be permitted unless substantial evidence is provided that show that the addition farm dwelling is necessary for the operation of the commercial farm. In make the determination whether the additional farm dwelling is necessary for the farm operation, the Zoning Administrator shall take into consideration whether any nonfarm dwellings already exist on the farm that may be used for that purpose. Migrant housing shall be allowed in accordance with State regulations.
3. A dwelling may be considered to be in conjunction with farm or the propagation or harvesting of a forest product when located on a lot or parcel that is managed as part of a farm operation or woodlot. A separate parcel two (2) acres or larger must be designated for a new dwelling unit and must be devised such that it meets all requirements for lot size, setbacks, and other requirements of this Ordinance.
4. Farm dwellings in addition to the principal dwelling shall be located to minimize adverse affects upon productive areas for farm crops and livestock.
5. Biofuel production facility with an annual production of not more than 100,000 gallons in accordance with P.A. 2006 110 as amended.

Home Occupations.

B. Conditional Uses: Uses allowed if specified conditions are met and a Township Zoning Permit is obtained.

A roadside stand for the sale of agricultural products, provided that:

1. Adequate parking and maneuvering areas are provided to ensure safe vehicle ingress and egress and pedestrian movement within the site.
2. The products sold at any stand are mainly grown or produced on the premise.

C. Special Land Uses: Uses allowed upon obtaining a Special Land Use Permit and Township Zoning Permit.

Large scale livestock enterprises.

Slaughter houses other than home occupations.

Biofuel production facility producing more than 100,000 gallons of biofuel or as allowed by P.A. 2011 97.

SECTION 5.5.2 FOREST AND RECREATIONAL USES

It is the intent of the Township to preserve its forests and woodlots while allowing sustainable resource practices, recreation, and other compatible uses in these areas.

- A. Conditional Uses: Uses allowed if specified conditions are met and a Township Zoning Permit is obtained.

Garage or other Storage Building (A garage or other storage structure may be constructed on a lot or parcel without another principal structure if the setbacks in Section 5.6 are followed.)

- B. Special Land Uses: Uses allowed upon obtaining a Special Land Use Permit and Township Zoning Permit.

Lodges and clubs. (More than four (4) seasonal trailers or campers shall be considered a club or lodge.)

Public or private outdoor recreation or park facilities.

Sawmills and other forestry related activities and businesses.

SECTION 5.5.3 RESIDENTIAL USES

The Township intends that residential development occur in such a manner that it does not detract from agricultural and other rural activities and that it will not become either a nuisance to existing uses or a burden upon Township infrastructure or services.

- A. Permitted Principal Uses: Uses permitted upon obtaining a Township Zoning Permit.

Farm dwellings (See Section 5.5.1 Agricultural Uses).
Single-family dwellings on two (2) acre or larger parcels.
State licensed residential facilities.
Home occupations.
Planned developments (See Section 5.10).
Two family (duplex) dwelling on two (2) acres or larger parcels.
Windmills (under 50 feet)

- B. Conditional Uses: Uses allowed if specified conditions are met and a Township Zoning Permit is obtained.

A temporary house trailer or an approved detached accessory structure for living purposes, during the construction of a permanent dwelling on the same lot or for an elderly or infirm family member during the period of convalescence or debility, provided that:

1. The trailer house will be removed within eighteen months or as soon as the original reason for the temporary dwelling has ceased whichever comes first;
2. The Zoning Administrator may in extraordinary circumstances extend the zoning permit for this use for one year.
3. The trailer will be connected to an approved well and septic system; and,
4. Will be anchored securely and properly and will follow all other applicable township, county, state, and federal regulations.

C. Special Land Uses: Uses allowed upon obtaining a Special Land Permit and Township Zoning Permit.

Group child care home.

Multi-family dwellings.

SECTION 5.5.4 COMMERCIAL, INSTITUTIONAL AND INDUSTRIAL USES

In order to provide for jobs, businesses and various community facilities that can be an integral part of the Township, this Ordinance allows for the establishment of these uses with the primary consideration that any such use fit the rural character of the community and not be a nuisance to existing uses or a burden upon Township infrastructure and services.

A. Permitted Principal Uses: Uses permitted upon obtaining a Township Zoning Permit.

Bed and breakfast establishments.

Cemeteries.

Churches and other religious buildings.

Day care establishments.

Planned developments (See Section 5.10).

Collocated wireless communications equipment per requirements of P.A. 2012 143.

B. Special Land Uses: Uses allowed upon obtaining a Special Land Use Permit and Township Zoning Permit

Adult entertainment uses.

Building supply yards.

Coin-operated laundry.

Contractors and builders establishments.

Funeral homes.

General retail, financial and other business offices and small service establishments.

Hotels and motels.

Indoor recreation establishments.

Kennels.

Motor vehical service or sale facilities including body repair shops with or without gasoline.

Natural resource extraction operations / temporary asphalt mixing plants in accordance with P.A. 2011 113.

Restaurants.
 Riding stables,
 Rural businesses providing needed services to local and seasonal residents as well as travelers on the major trunk line.
 Self-service storage facilities.
 Industrial activities that will provide for a diverse township economy and not be noisome to its neighbors.
 Taverns, bars and similar establishments.
 Telecommunication towers and antenna (See Section 4.10).
 Windmills

SECTION 5.6 DEVELOPMENT STANDARDS

Table of Dimensional Requirements.

Zoning District	USES	MINIMUM LOT AREA	MINIMUM FRONTAGE REQUIREMENT (FEET)	MINIMUM FRONT YARD SET BACK (FEET)	MINIMUM SIDE YARD SET BACK (FEET)	MINIMUM REAR SET BACK (FEET)	MAXIMUM STRUCTURE HEIGHT (FEET)
AG/RR	AGRICULTURAL	2 ACRES	220	30	20	20	95
	FOREST AND RECREATIONAL	2 ACRES	33 /220'	30	20	2 0	35
	RESIDENTIAL	less than ' 2 acres	33 / 110'	30	15	1 5	35
		2 OR MORE ACRES	33 /220'	30	20	2 0	35
	COMMERCIAL INSITUITIONAL AND INDUSTRIAL	2 ACRES 2	66/220	50	25 3,4	25 4	35

Setback does not include easement

- ¹ Flag lots may be created using a minimum of thirty-three (33) feet of frontage for the access leg or easement to the main lot. The lot itself must follow land division proportions of 4:1 ratio, length to width, and meet size requirements without the easement or access leg included. Lot fronting on a street or road shall meet the specified minimum.
- ² Commercial lots must meet all ordinance requirements including parking, setbacks, road access separations as well as district health department requirements for sewerage and water. A lot larger than two (2) acre may be required to meet these stipulations.
- ³ Side yards may be zero (0) for adjoining buildings with fire rated walls (commercial site condos).
- ⁴ Where a lot in this district abuts a residential district, on a side, or sides, a minimum side yard of twenty-five (25) feet shall be provided and shall contain a landscaped buffer of evergreen trees, hedges, or fencing sufficient to create a visual screen; this area shall not be paved or used for parking, loading, vehicle maneuvering, or storage.

SECTION 5.7 PERFORMANCE STANDARDS

- A. Variances for farm lot size may be granted by the Planning Commission if applicant can prove the desired agricultural operation is a bonafide commercial agricultural operation.
- B. To the greatest degree practicable, land divisions, including single lot splits, must be designed to protect and preserve natural resources, and the culture and character of the area.

- C. All residential developments, or residential plots, units or parcels, and any other non-farm use within this district shall be devised with the understanding that agricultural operations are the primary use of this district and therefore layouts for residences and other non-farm uses shall be designed in such a manner as to protect farming and other agricultural operations.

SECTION 5.8 ACCESSORY STRUCTURES AND USES

Any use or structure customarily incidental to a permitted principal use not otherwise regulated by this Ordinance is allowed by right. Accessory structures may be used for home occupations as prescribed by this Ordinance. A storage building may be constructed on a lot or parcel as the principal structure (See Section 5.5.2)

SECTION 5.9 MISCELLANEOUS REGULATIONS

The keeping of horses, ponies and other livestock is allowed on residential parcels. No manure piles or other similar debris shall be kept within fifty (50) feet of any lot line.

General Provisions as permitted in Chapter 4.

Parking as permitted in Chapter 6.

Signs as permitted in Chapter 7

SECTION 5.10 PLANNED DEVELOPMENTS (PD)

SECTION 5.10.1 PURPOSE

Planned Development regulations furnish a beneficial and productive means to design site plans for housing, commercial, or special purpose developments. These regulations, while adhering to the underlying densities specified in the various districts of the zoning ordinance, provide for better design and planning of land uses by making the geography, the history and culture, and the ecology of the area the standards and determinants of that design rather than the singular enforcement of lot sizes and standard setbacks.

These regulations intend to promote the efficient and thoughtful use of the land, while encouraging a diversity of housing types, and mixed uses where appropriate, by maintaining the high degree of quality control necessary for the preservation of the natural and scenic elements that are integral to the rural character of the Township.

Projects approved hereunder shall be designated (PD) Planned Development.

SECTION 5.10.2 PERMITTED AND CONDITIONAL USES

- A. Planned Developments within zones established by the Township Board.

All legal methods of land subdivision may be used in the design of a Planned Development. All pertinent regulations addressed elsewhere in the zoning

ordinance or in separate ordinances of the Township shall be complied with. Condominium projects, mobile home parks, and land divisions shall be administered and reviewed under this Section.

- B. Permitted and conditional uses of the property prior to Planned Development zone designation as uses compatible with surrounding zoning districts.

SECTION 5.10.3 TABLE OF DISTRICT REGULATIONS FOR PLANNED DEVELOPMENT

ZONING DISTRICT	MINIMUM PROJECT-AREA	MINIMUM CONTINUOUS PROJECT FRONTAGE ¹	MAX. DU/ DEVELOPABLE ACREAGE	REQUIRED PERCENT OF PROJECT AS OPEN SPACE ²	AREA, YARD AND OTHER REQUIREMENTS ³
AGRICULTURE/ RURAL RESIDENTIAL	5 acres	66 feet	1 unit/acre	60%	See Section 5.6

¹ On a county or state highway.

² Public or private access easements, rights-of-way, drives, streets or alleys, parking areas or required lots shall not be counted as part of required open space.

³ Standards set forth in Section 5.6 shall be used as guides to development design; modifications shall be reviewed and approved based upon standards of this chapter.

SECTION 5.10.4 DIMENSIONAL REQUIREMENTS

- A. See Section 5.10.3, above, and Section 5.6.
- B. “Open space” as used in this Section shall be defined as land areas that are open and unbuilt and permanently preserved as such by easement or other means suitable to the Township Board. It may include recreational facilities and structures.

SECTION 5.10.5 PERFORMANCE STANDARDS

The following development requirements shall apply to all Planned Developments:

- A. The Planned Developments should be designed and developed in a manner compatible with and complementary to existing uses or development indicated by the current Master Plan for the immediate vicinity of the project site. Site planning on the property perimeter shall provide for the protection from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences from within the development.
- B. Open space may be left undeveloped or may be improved and may be included within lot boundaries. If it is improved, provisions for its maintenance must be provided. If land is to remain undeveloped, measures may be required to mitigate construction, to improve natural habitat, and to prevent erosion and control drainage. Open space left in its natural state shall be kept free of litter.

Open spaces shall link with those on adjoining properties to ensure maximum landscape cover and wildlife habitat.

- C. If development is to be done in stages, the development plan shall schedule the improvement of the open space, the construction of buildings, structures, and improvements in such open space, and the construction of dwelling units in order that each development stage achieves a proportionate share of the total open space and planned amenities of the total development.
- D. All or any part of designated open space may be reserved for use in common by the owners or residents of the Planned Development. Areas permanently preserved for common open space shall be reserved for the use and enjoyment of the owners and residents. The Township may, with the developer's consent, enable open space easements be conveyed to the Township or to another responsible entity.
- E. All public streets within or abutting the proposed Planned Development shall be improved to Township and County specifications for the particular classification of street. When the developer desires to retain any streets within the development as private streets, such streets shall be maintained for their intended purposes by the development's landowners association or other means acceptable to the Township and County. All roads and passageways must be designed to allow emergency vehicle access.
- F. Planned Developments shall be in harmony with the topography of the site, shall preserve water courses, drainage areas, wooded area, rough terrain, and similar natural features and areas.
- G. All utilities within a Planned Development shall be placed underground where feasible; otherwise, they shall be placed in the most unobtrusive manner possible. Sufficient easements shall be provided for all necessary utilities.
- H. The designation of building plots or building areas within which structures must be sited is required to ensure proper placement of homes in relation to the geography and ecology of the site as well as in relation to structures on surrounding properties.
- I. A property owners association shall be formed to hold title to and to manage any land, structures, or improvements to be held in common. Necessary stipulations of the Planned Development approval shall be conveyed by deed restrictions and covenants or within the condominium master plan, whichever is applicable.
- J. The development must meet all the standards and requirements of the various agencies that have jurisdiction over the development area. No Planned Development shall be granted final approval until all necessary approvals are obtained.
- K. A development schedule, including all contiguous or adjacent land owned or controlled by the applicant, shall be submitted indicating planned phases, including construction of roads, utilities, dwellings and amenities--all the major components of the project. An annual updated schedule shall be submitted to the Planning Commission until the entire development is completed. This annual report shall include, at minimum, the percentage complete to date and forecasted construction for the ensuing year of each component of the project.

Approval of subsequent stages of a development shall be based upon adherence to the approved schedule or modifications agreed upon by the Planning Commission.

SECTION 5.10.6 ACCESSORY STRUCTURES AND USES

Accessory uses and structures shall be located as specified on the development plans as approved by the Township.

SECTION 5.10.7 MISCELLANEOUS REGULATIONS

General Provisions as permitted in Chapter 4.

Parking as permitted in Chapter 6.

Signage as permitted in Chapter 7.

SECTION 5.10.8 CONCEPTUAL DEVELOPMENT PLAN; APPLICATION REQUIREMENTS

A. Ten (10) copies of a conceptual development plan encompassing all phases of the proposed Planned Development, prepared at a scale not less than one (1) inch equals fifty (50) feet if the property is less than three (3) acres and one (1) inch equals one hundred (100) feet, if more, containing the following information:

1. Name of development, applicant name, preparer name, if different, date of preparations, written and graphic scale, north arrow, property lines and dimensions, size of property in acres.
2. Zoning and use of all adjoining properties.
3. Existing natural features of the site, including predominant vegetative cover, major tree stands, and existing drainage ways.
4. Existing site improvements, including existing buildings or other structures, existing utilities with sizes shown, and any existing easements of record.
5. Existing site elevation contours at a minimum of twenty (20) foot intervals.
6. If applicable, identify existing shoreline, existing one-hundred (100) year flood hazard area boundary and existing wetlands.
7. Existing rights-of-way lines, pavement edges and names of public streets; proposed layout of new public streets or private roads.
8. Layout and typical dimensions of proposed lots, including building plots or pads. If the proposed Planned Development zone includes construction of buildings or other structures, identify proposed footprints and dimensions, proposed number of stories; identify uses proposed within the Planned Development and the acreage allotted to each use.
9. Locations of proposed access driveways and parking areas.
10. If multi-phase development is proposed, identify areas included in each proposed phase.

B. A legal description of the land to be included in the Planned Development.

- C. A sketch of the vicinity of the subject property, locating the property in relation to properties, structures, streets and uses within five-hundred (500) feet of the Planned Development.
- D. A narrative statement describing the overall objectives of the Planned Development.
- E. A complete application on a form supplied by the Township.
- F. Payment of the fee established, from time to time, by resolution of the Township Board to cover the cost of the Planned Development project review.

SECTION 5.10.9 PLANNING COMMISSION REVIEW OF CONCEPTUAL DEVELOPMENT PLAN

- A. The Planning Commission shall review the conceptual development plan at a public hearing. Recommendations made by the Planning Commission shall be based upon its consideration of the standards for approval of a Planned Development contained in this Section, and based upon the intent of the Ordinance. The recommendation of the Planning Commission shall be transmitted in written form to the Township Board, the County Planning Commission, and a copy of the recommendations transmitted to the applicant.
- B. In the course of its review of a conceptual development plan for a Planned Development, the Planning Commission shall notify adjoining property owners in accordance with Section 10.10 of this Ordinance.
- C. Review Procedure:
 - 1. The Planning Commission shall review the conceptual site plan to ensure that:
 - a. The uses, buildings, and structures shown on the conceptual site plan are not in conflict with the Master Plan of current adoption.
 - b. That the proposed uses, buildings, and structures are compatible with surrounding uses of land, or that measures to mitigate adequately non-compatible uses have been included on the conceptual site plan.
 - c. That the plan meets the applicable development and performance standards of this Section and of the district in which it is proposed to be situated.
 - 2. Based on the findings of its review, the Planning Commission shall do one of the following:
 - a. Grant conceptual site plan approval.
 - b. Grant conceptual site plan approval subject to conditions and the submission of a revised site plan.
 - c. Reject the conceptual site plan, stating the specific reasons for the rejection.

SECTION 5.10.10 APPLICATION FOR REZONING

Once the Planning Commission has granted concept development plan approval subject to conditions, an application for Planned Development zoning may be filed and processed in accordance with Chapter 12 of this Ordinance. The approved conceptual site plan shall be made part of the application, and shall be considered as part of the rezoning request.

SECTION 5.10.11 SITE PLAN REVIEW REQUIRED

Either concurrent with the application for rezoning or upon rezoning approval, the applicant must apply for development site plan approval in accordance with Chapter 9. Prior to any new construction, site plan approval must be obtained.

In addition to the information required for development site plan approval, the applicant shall submit, where relevant, the following:

- A. Lot lines and building pads.
- B. Details of proposed project lighting.
- C. A copy of all of the following that are applicable: proposed deed restrictions, covenants, condominium or landowner association documents.
- D. Summary data schedules:
 - 1. Number and sizes of proposed units, including accessory or ancillary structures.
 - 2. Area and percentage of building site coverage.
 - 3. Area and percentage of impervious surface coverage.
 - 4. Area and percentage of open, undeveloped space.
 - 5. Parking space calculations, if applicable.

SECTION 5.10.12 CHANGES TO AN APPROVED PLANNED DEVELOPMENT

- A. No changes to an approved development plan for a Planned Development shall be made, except by mutual agreement between the applicant and the Township. Revisions to an approved final development plan or to any conditions imposed on an approval, with the exception of minor administrative changes, which do not alter the layout, number of units or other details of the plan by more than five (5%) percent, shall be processed: in the same manner as an application for approval of a Development Site Plan, as specified in Chapter 9.
- B. Minor administrative changes may be made by the Planning Commission or the Commission may delegate this responsibility to the Zoning Administrator.

SECTION 5.10.13 TIME LIMIT FOR APPROVED PLANNED DEVELOPMENTS

- A. Construction of an approved Planned Development shall commence and shall proceed meaningfully toward completion within one (1) year from the date of the approval of the Planned Development by the Township Board.
- B. The owner or applicant of the Planned Development may apply to the Township Board for one (1) extension of the original approval for an additional term of one (1) year. The Township Board may, in its discretion, authorize this extension. In considering such authorization, the Township Board shall use the following standards:
 - 1. The Planned Development has encountered unforeseen difficulties beyond the reasonable control of the owner or applicant.
 - 2. The Planned Development is likely to commence and to be completed.
- C. If the Planned Development has not commenced and proceeded meaningfully towards completion at the end of the initial one (1) year time period, or time one permitted extension thereof, then the Planned Development approval shall automatically become invalid and void and the prior zoning of the property shall obtain.

CHAPTER 6 PARKING

SECTION 6.1 INTENT AND PURPOSE

It is the purpose of these regulations to ensure that adequate parking facilities are provided for and that they are adequately maintained. Off-street parking as required by this Ordinance shall be in accordance with the following provisions.

SECTION 6.2 ADEQUATE OFF-STREET PARKING

For all uses, adequate off-street parking shall be required. Off-street parking areas shall be designed with enough capacity to provide safe and sufficient parking for all vehicles during normal times of use. Direct access to off-street parking areas shall be provided from a county street or an approved private street, service drive, or alley. Street rights-of-way shall not be construed as satisfying the requirements of this Chapter except as allowed by specific districts and uses in this Ordinance. Parking needs shall be reviewed as a part of Development Site Plan Review, Chapter 9.

SECTION 6.3 ZONING ADMINISTRATOR AND PLANNING COMMISSION SHALL DETERMINE THE NUMBER OF PARKING SPACES

The Zoning Administrator and/or Planning Commission shall determine the number of required parking spaces for all uses. In the event that there is a dispute over the number of spaces required, the matter shall be referred to the Zoning Board of Appeals for review and decision. Unimproved or unpaved parking areas may be allowed to handle special events or non-routine parking requirements. A zoning permit will be required for construction of any parking lot.

CHAPTER 7 SIGNS

SECTION 7.1 INTENT AND PURPOSE

The intent of this Chapter is to regulate the type, number, physical dimensions, erection and placement of signs in Arthur Township. The purpose of these regulations is to:

- Promote the public health, safety, and welfare of residents and visitors
- Reduce hazardous distractions to motorists and pedestrians
- Protect commercial districts from visual clutter and ugliness
- Protect property values
- Protect the rural character and natural beauty of the Township

SECTION 7.2 DEFINITIONS

Sign - a sign is the use of any words, numerals, figures, devices, designs, or trademarks which constitute name, identification, description, display, or illustration which is affixed or applied to or represented directly or indirectly upon a building, structure, or lot, and which directs attention to an object, project, service, activity, person, institution, organization, or business.

Sign Area - The area of a sign shall be computed as the entire area circumscribed by a parallelogram, triangle, circle, or semi-circle, or any combination of these figures, which includes all of the display area of the sign, including frames surrounding display areas. For signs which consist of individual letters attached or painted on the wall of a building, with only the wall as background and no added decoration or border, the sign area shall be the geometrical shape formed by an imaginary line along the exterior perimeter of the word, or words, as a whole. For purposes of computing sign area, only one side of a sign shall be used.

Building Sign - a sign attached to a building as either a wall sign, projecting sign, awning sign, window' or canopy sign. No sign shall be placed above the roof line, (refer to Figure 4)

Directional Sign - a sign directing vehicular or pedestrian traffic or parking but bearing no advertising matter except for the logo of the business for which the directional signs are associated.

Freestanding Sign - a sign supported by one or more uprights, braces or pylons located in or on the ground or to something requiring location on the ground. Freestanding signs are commonly referred to as "pole" signs.

Illuminated Sign - Any sign designed to give forth artificial light or designed to reflect any such light given from any source which is intended to cause such light or reflection.

Outdoor Advertising Structure - A sign or billboard that may be erected for the purpose of advertising a business or other activity and is not on the same parcel as the business or activity advertised.

Portable Sign - Any sign so constructed to be readily moveable from one location to another and not permanently affixed to a building or the ground. Portable signs include “trailer” signs.

SECTION 7.3 SIGN REGULATIONS

The following regulations shall apply to on-premises signs:

- A. Unless a sign is exempt from permit requirements as specified in Section 7.3.B, a Zoning Permit must be obtained from the Township Zoning Administrator prior to the construction or placement of any sign.
- B. Subject to the standards as noted and other applicable ordinance requirements, the following signs and related activities are permitted by right and are exempt from the permit requirements of this Ordinance:
 - 1. One (1) temporary construction sign shall be permitted for a construction project, not to exceed thirty-two (32) square feet in area per sign. Such signs may be erected no more than thirty⁷ (30) days prior to commencement of construction and must be removed no longer than thirty (30) days after completion of construction.
 - 2. Directional signs, not to exceed six (6) square feet in area per sign, shall be permitted as a means of directing traffic to parking, loading, customer service, and related areas. Church directional signs less than thirty-two (32) square feet are included in this exemption.
 - 3. Public signs or notices of Arthur Township, Clare County', the State of Michigan, or the United States Government may be erected as deemed necessary and appropriate by the unit of government. Political signs must be removed within ten (10) days following the election or event for which signage is displayed.
 - 4. Real estate signs not exceeding six (6) square feet of display area per side shall be permitted. These signs must be removed within thirty (30) days of the sale of the property upon which they are placed.
 - 5. One (1) nameplate sign per premises not to exceed sixteen (16) square feet shall be permitted.
 - 6. Garage or yard sale signs may be installed twenty-four (24) hours in advance of sale and shall be removed within twenty-four (24) hours after the sale.
 - 7. Signs for home occupations thirty-two (32) square feet in size or less.
- C. Any sign not specifically permitted is prohibited. The Zoning Board of Appeals shall have the authority to classify other signs not specifically permitted.

D. General Sign Standards:

1. Illumination, if permitted, shall be by a non-flashing light. Said source of illumination shall be shielded from direct view of adjacent residential properties and vehicles passing on adjacent roadways. The source of any illumination shall not be visible beyond the property lines of the parcel upon which the advertising structure is located.
2. All signs shall be subject to the Building and Safety Codes of Clare County.
3. All signs shall be set back a minimum of ten (10) feet from all lot lines, except where regulated otherwise by this Ordinance.
4. No signs shall be placed in required clear vision areas.
5. New signs in areas that have many existing signs shall be placed in line with existing signs as much as possible while attempting to adhere to required setbacks.
6. All signs shall be adequately maintained; if not, written notice shall be issued by the Zoning Administrator to the owner of the structure. If disrepair is not corrected within thirty (30) days, said structure shall be removed at the owner's expense.

E. Sign Size and Height: Commercial & Industrial

1. On-premise freestanding signs shall not exceed forty-eight (48) square feet total face size.
2. On-premise freestanding signs shall not exceed fourteen (14) feet total in height.
3. Township commercial establishments are allowed one freestanding sign.
4. Township commercial establishments are allowed building signage, including wall, roof, awning, window and canopy signage, for identification and advertisement of goods sold on premises not to exceed ten (10%) percent of one face of the building fronting on the road of access to the building.

- F. Temporary signs, a maximum of thirty-two (32) square feet, shall be allowed for special events, subject to Zoning Administrator approval, not to exceed sixty (60) days total in one year.

SECTION 7.4 NON-CONFORMING SIGNS

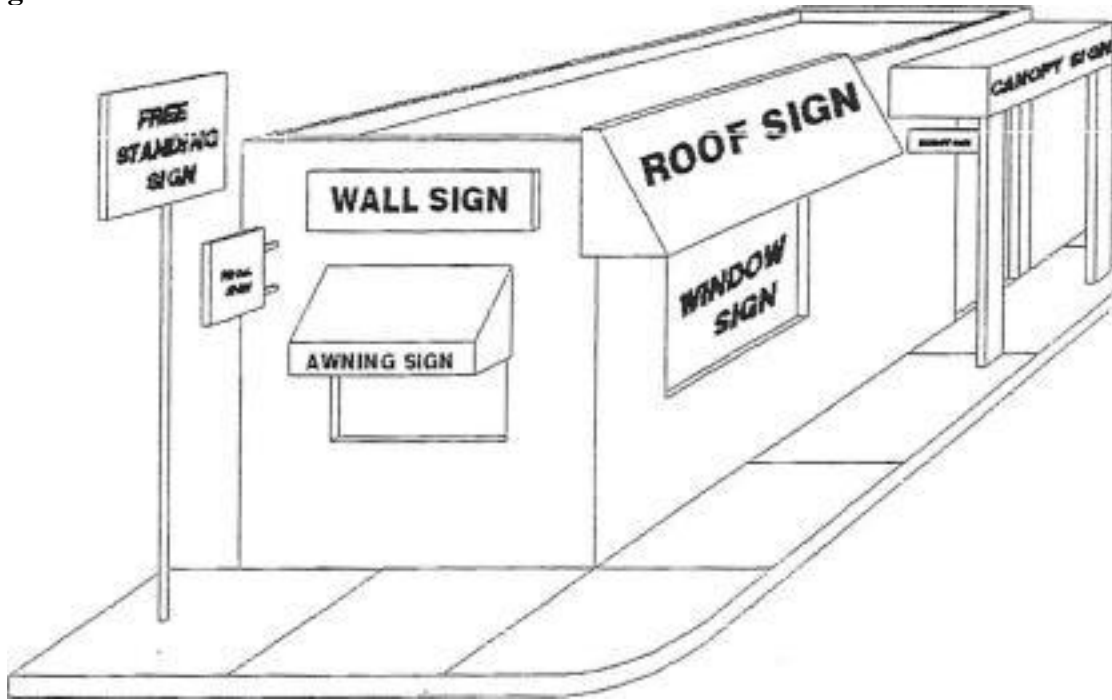
A non-conforming sign or sign structure existing and in place as of the date of the enactment of this Chapter may continue to have the copy or message on the sign changed and may also have normal maintenance performed. However, a nonconforming sign existing on the day of enactment of this Chapter SHALL NOT:

- A. Be changed to another non-conforming sign,
- B. Be structurally altered so as to prolong the life of the sign or to change the shape, size, location, type, or design of the sign.
- C. Be re-established after the activity, business, or use to which it relates has

- been discontinued for ninety (90) days or longer.
- D. Be re-established after damage by any means if the damage is in excess of the State Equalized Value (SEV) of the sign, as determined from its most recent assessed valuation.

SIGN TYPES

Figure 4



SIGN TYPES

CHAPTER 8 SPECIAL USES

SECTION 8.1 INTENT AND PURPOSE

Rather than attempting to foresee and regulate all the possible land use activities within individual and limited zoning districts, it is the intent of this Ordinance to provide a set of procedures and standards for special uses of land or structures that allows latitude for a landowner or developer, and, at the same time, maintains sound provisions for the protection of the health, safety, and general welfare of Township inhabitants. Such uses may be authorized within certain zoning districts through the issuance of a Special Use Permit as provided in the 1979 amendments to the Township Rural Zoning Act, Public Act 184 of 1943.

SECTION 8.2 PRE-EXISTING USE

Any existing use which is permissible by right in the district shall continue as a permissible use even if that use is later designated a special land use. Any expansion or enlargement of the original permissible use, designated now as a special use, must proceed through the special land use process for approval.

SECTION 8.3 REVIEWING AUTHORITY

All applications for Special Use Permits shall be considered by the Planning Commission, hereafter referred to as the "Commission." and a recommendation made to the Township Board. The Township Board shall have the authority to grant, to deny, or to grant with conditions such Special Use Permits.

SECTION 8.4 APPLICATION AND FEE

An application for a Special Use Permit shall be submitted to the Commission through the Zoning Administrator. The applicant shall provide the Zoning Administrator with ten (10) copies of the application, and ten (10) sets of all required data. Each application shall be made by the owner of record of the property on which the proposed special land use is to exist or be conducted, or by an applicant, if not the owner, with a signed authorization of the property owner, and shall be accompanied by the payment of a fee as set forth in the schedule established by the Township Board to cover the costs of processing the Special Use Permit application.

SECTION 8.5 DATA REQUIRED

- A. Each application shall include the following information:
1. The name, address, telephone number and signature of the property owner and applicant;
 2. A full legal description of the property on which the proposed special use is to exist or be conducted, including the property tax parcel number(s), together with proof of property ownership and applicable options on the property, if any;

3. A detailed description of the proposed special use for which the permit is requested;
4. Project schedule and developments plans;
5. A vicinity map with north arrow indicated;
6. Land uses and existing structures on the subject parcel and adjoining parcels within five hundred (500) feet of the subject parcel; and
7. A written statement relative to the project's effects on existing infrastructure, including but not limited to, traffic, capacity of roads, schools, and existing utilities, and upon the natural environment.

B. A site plan in accordance with Chapter 9 - Development Site Plan Review.

SECTION 8.6 PROCEDURE UPON RECEIPT OF APPLICATION

Upon receipt of a Special Use Permit application, which is supported by all the data and fees required above, the application shall be put on the agenda for preliminary consideration at the earliest Commission meeting practicable.

- A. Notice Requirements. Notice that a special use application has been received and will be considered by the Commission and shall meet the requirements of Section 10.10 of this Ordinance.
- B. The Planning Commission shall hold a public hearing on the Special Use Permit request.
- C. The Planning Commission shall review the request and shall establish that the standards and requirements of this Chapter are satisfied.
- D. Following its review of the request, the Planning Commission shall take one of the following actions:
 1. To recommend approval of the Special Use Permit if it is found to satisfy the requirements of this Chapter and send in writing its recommendation to the Township Board;
 2. To determine necessary conditions for recommending approval of the Special Use Permit to ensure that it complies with the requirements of this Chapter and send in writing its recommendation to the Township Board for approval with conditions; or
 3. To recommend denial of the Special Use Permit because it is found that the proposed use fails to satisfy the requirements of this Chapter.

SECTION 8.7 TOWNSHIP BOARD ACTION

Upon receiving the Commission's written recommendation on the proposed special use, the Township Board shall schedule deliberations on the application at its next regular meeting. The Township Board may hold another public hearing on the matter if requested or at its discretion. Upon examining the application, the recommendation of the Commission, and any other evidence brought, the Township Board may take one of the following actions:

1. Refer the matter back to the Commission for further deliberations whereupon the Commission will re-examine the evidence and information referred to it by the Township Board and resubmit a recommendation to the Township Board;
2. To approve the Special Use Permit if it is found to satisfy the requirements of this Chapter; or
3. To place conditions on, and then approve, the Special Use Permit to ensure that it complies with the requirements of this Chapter; or
4. To deny the Special Use Permit because it is found that the proposed use fails to satisfy the requirements of this Chapter.

SECTION 8.8 BASIS FOR DETERMINATION

Before approval of a Special Use Permit, the Township Board shall establish that the standards specified in this Section, as well as applicable standards outlined elsewhere in this Ordinance, shall be satisfied. Each of the proposed special land uses on the proposed location shall:

- A. Be designed, constructed, operated and maintained so as to be harmonious in effect and appropriate in appearance with the existing or intended character of the general vicinity as indicated in the Township Master Plan or other policies of the Township.
- B. Not be hazardous or disturbing to existing uses in the same general vicinity and will not have adverse effects on the market value of surrounding property and to the community as a whole.
- C. Be served adequately by essential facilities and services, such as, but not limited to, highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.
- D. Not create excessive additional requirements at public cost for public facilities and services.
- E. Not involve uses, activities, processes, materials, and equipment or conditions of operations that will be detrimental to any persons, property, or the general welfare by fumes, glare, noise or odors, or any other harmful affects.
- F. Be in general compliance with the land use policies outlined in the Township Master Plan, the principles of sound planning, and will not jeopardize the economic welfare of the Township.
- G. Not directly or indirectly have an adverse effect upon the natural resources of the Township, including, but not limited to, prime or unique agricultural lands, water recharge areas, lakes, rivers, streams, forests, wetlands, wildlife areas.
- H. Establish structures, landscaping, or other land uses that will not disrupt water drainage systems necessary for agricultural uses and will be in compliance with Clare County Drainage Commissioner requirements.
- I. Ensure that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control.

- J. Be in compliance with the requirements of the district in which it is proposed and all other standards in this Ordinance, as well as with the requirements of the County Road Commission, County Building Inspector, County Drain Commissioner, District Health Department, Soil Erosion Officer, County Conservation Service, area fire departments, Department of Natural Resources and any other applicable township, comity, state and federal statutes.

SECTION 8.9 CONDITIONS AND SAFEGUARDS Additional conditions and safeguards may be imposed by the Commission if reasonable and necessary to protect the natural environment or to conserve natural resources or energy, to ensure compatibility with adjacent uses of land, to promote the use of the land in a socially and economically desirable manner, and to ensure that public services and facilities affected by the proposed use or activity will be capable of accommodating the increased activity. Any conditions so imposed shall meet the following requirements:

- A. To ensure that public services and facilities affected by a proposed use or activity will be capable of accommodating increased service and facility loads caused by the land use of activity;
- B. To protect the natural environment and conserve natural resources and energy;
- C. To ensure compatibility with adjacent uses of land;
- D. To promote the use of land in a socially and economically desirable manner;
- E. To protect the health, safety, welfare, social and economic well-being of those who will be using the proposed special land use or activity under consideration;
- F. To protect the health, safety, welfare, social and economic well-being of Township residents, and lot owners adjoining the proposed special land use or activity, including, but not limited to, requirements such as screening, or the erection of natural or artificial barriers, or limitations on the time of day during which operations may occur or during which special land use activities may be carried on;
- G. Be necessary to meet the intent and purposes of this Ordinance, and be related to the standards established for the land use activity under consideration, and be necessary to ensure compliance with those standards;
- H. Be necessary to ensure compliance with any part of the application received and approved by the Township Board; and
- I. Be recorded as part of the Special Use Permit.

When requiring conditions for a Special Use Permit, the following findings shall be made and documented as part of the special use review:

1. That such requirements and conditions will mitigate negative affects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other harmful effects upon adjoining parcels; and
2. That absent such conditions, the development would adversely affect the reasonable use, enjoyment and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.

SECTION 8.10 VARIANCES

Where a Special Use Permit is granted conditionally, based upon the necessity for the applicant to obtain a variance, or variances, from the Zoning Board of Appeals, the permit shall not be valid until such variances are obtained.

SECTION 8.11 GRANT OR DENIAL OF THE SPECIAL USE PERMIT

The Township Board may approve, deny, or approve with conditions, a request for Special Use Permit approval. The decision on a Special Use Permit under consideration shall be incorporated in a statement containing the conclusions which form the basis of the decision and any conditions and safeguards imposed. One copy shall be distributed to each of the following: Zoning Administrator, Township Clerk, and the Commission. Only upon approval by the Township Board may a Special Use Permit be issued by the Zoning Administrator.

SECTION 8.12 PERMIT EXPIRATION

A Special Use Permit issued pursuant to the requirements of the Ordinance shall be valid for a period of one (1) year from the date of issuance of said permit. If construction or use has not commenced and proceeded meaningfully toward completion by the end of this period, the Special Use Permit shall be null and void. A Special Use Permit may be renewed for a period of time not to exceed two (2) years for good reason as determined by the Township Board.

SECTION 8.13 BINDING EFFECT

Any Special Use Permit approved by the Township Board pursuant to the provisions of this Ordinance shall be binding between the parties, and said use shall not be modified, altered, expanded, or otherwise changed, unless the Special Use Permit holder obtains a new or amended Special Land Use Permit in accordance with the procedures of this Chapter. Further, such conditions shall run with the land, and shall be binding on the landowner, his successors, heirs and assigns. If at any time during the existence of a permitted special land use the land, lot, or structures are used contrary to the conditions and provisions of the permit, said use shall be deemed a violation of the Special Use Permit and the permit may be revoked and previously permitted special use activities cease.

SECTION 8.14 INSPECTIONS

The Zoning Administrator shall be responsible for the inspection of all conditions imposed by the Special Use Permit and for all improvements required by the approved final site plan. All subgrade improvements, such as utilities, subbase and base installations for streets, drives, and parking lots, and similar improvements shall be inspected by the Zoning Administrator or other appropriate official or individual and approved before covering. It is the responsibility of the applicant to request such necessary inspections at the appropriate times. The Zoning Administrator shall report periodically to the Township Board and Commission on the progress of each.

Special Use Permit. He shall notify the Township Board and Commission in writing of any failure on the part of the applicant to meet the requirement of the site plan and Special Use Permit, and report on steps being taken to ensure compliance. The fees established by the Township Board may include an amount to cover such inspections.

SECTION 8.15 FINANCIAL GUARANTEES

In the interest of ensuring compliance with the provisions of this Ordinance, protecting the natural resources and the health, safety and welfare of the residents of the Township and future users or inhabitants of an area for which a proposed Special Use Permit has been submitted, the Township Board may require the applicant to:

- A. Deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this Ordinance, including, but not limited to: roadways, lighting, utilities, sidewalks, drainage, fences, berms, screens, walls, landscaping, reclamation, and widening strips.
1. Performance guarantee as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit in the amount of the estimated cost of any improvements to be made as determined by the applicant and verified by the Township Board.
 2. The performance guarantee shall be deposited with the Township Board at the time of the issuance of the permit authorizing the activity or project. No Special Use Permit may be issued before the receipt of all required performance guarantees by the Township Board.
 3. An approved Special Use Permit shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of issuance of the permit.
 4. In the event the performance guarantee deposited is a cash deposit or certified check and the improvement for which the guarantee is provided will be done over an extended period of time, the Township Board shall rebate to the applicant fifty (50%) percent of the deposited funds when sixty (60%) percent of the required improvements are completed as confirmed by the Township Board, and the remaining fifty (50%) percent of the deposited funds when one hundred (100%) percent of the required improvements are completed as confirmed by the Township Board. If a request is made by the applicant for a temporary certificate of occupancy without completion of the required improvements, the performance guarantee may be applied by the applicant to assure compliance with the standards of this Ordinance and the specifications of the approved site plan.
 5. Upon the satisfactory completion of the improvements for which the performance guarantee was required, the Township Board shall return to the applicant the performance guarantee deposited and any interest earned thereon.

6. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period as agreed to in the site plan, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvement through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. Should the Township use the performance guarantee or a portion thereof to complete the required improvements, any amounts remaining after said completion shall be applied first to Township administrative costs in completing the improvements, with any balance remaining being refunded to the applicant. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amounts by which the costs of completing the improvement exceeds the amount of the performance guarantee deposited. The costs shall be billed to the permit holder and a lien placed against the subject property. If unpaid, the costs shall be collected in the same manner as delinquent taxes or as allowed by law.

SECTION 8.16 OTHER SPECIAL USES

Land and structural uses that are not specified in any other section of this Ordinance, but, upon being applied for under the provisions of Chapter 8, may be considered by the Planning Commission and Township Board as long as they meet all the conditions and requirements of this Chapter and the spirit and intent of the Ordinance.

CHAPTER 9 DEVELOPMENT SITE PLAN REVIEW

SECTION 9.1 INTENT AND PURPOSE

Land development affects the character of the community and its public health, safety, and general welfare. This Chapter provides that all the land uses shall be subject to development site plan review except single or two-family dwellings located on a single lot and agricultural uses not subject to a Special Use Permit or as otherwise indicated in this Ordinance.

SECTION 9.2 SCOPE

All land developments, excluding those addressed in Section 9.1 above, including structures to be erected, moved, externally altered, added to, or to have any change in use which would affect their approved off-street parking, landscaping, site drainage, or any other requirements, shall be reviewed under this Chapter. Land divisions for any purpose other than Planned Developments shall be reviewed under this Chapter. No building or zoning permit shall be issued except in accordance with a plan approved under this Chapter.

No person shall undertake any activity or use, including any grading, clearing, cutting and filling, excavating, or tree removal associated therewith, for which development site plan approval is required by this Ordinance without first obtaining such approval, nor shall such activity proceed prior to obtaining necessary soil erosion and sedimentation control permits, wetlands permits, or flood plain permits.

SECTION 9.3 APPLICATION AND FEE

An application for site plan review shall be made by filing the application form, required information, and the required fee with the Township Zoning Administrator.

The application fee shall be set by resolution of the Township Board. Once accepted by the Zoning Administrator, no portion of the fee shall be returned to the applicant, unless authorized by an action of the Township Board.

SECTION 9.4 REVIEWING AUTHORITY

The Planning Commission, or its qualified designee, shall review development site applications in accordance with the standards presented in this Chapter and Ordinance. The Planning Commission shall review the site plan application and its designee's report, and shall thereafter approve, approve with conditions, or deny the request for development site plan approval.

SECTION 9.5 MAJOR AND MINOR DEVELOPMENT PROJECTS DEFINED

A minor project, for the purposes of this Chapter, is defined as follows:

- A. The remodeling, alterations, or additions to commercial and industrial buildings of fifty (50%) percent, five thousand (5000) square feet which ever is less of the existing structure.
- B. Improvements to, erection of, or reconstruction of accessory buildings and structures, parking areas, and similar facilities.
- C. Site changes that do not exceed twenty-five (25%) percent of the existing developed site area.

Major projects are all projects not listed above, including, but not limited to, site condominium projects, multi-family apartment project developments, commercial and industrial buildings and additions, alterations or redevelopment of buildings and site changes greater than listed above.

SECTION 9.6 CONCEPTUAL DEVELOPMENT SITE PLAN REVIEW

The applicant is encouraged to submit a conceptual plan for review by the Planning Commission in order that errors, miscalculations or misconceptions are not incorporated into preliminary plans. This procedure is intended to be informational only and shall not necessarily bear directly upon later reviews. Submissions for this review may consist of all those items listed in Section 9.7 that shall present an adequate overview of the intended project.

SECTION 9.7 SITE PLAN REVIEW: REQUIRED INFORMATION

For major projects, Development Site Plan Review shall entail the examination of all the items in Section 9.7 B. For minor projects, the abbreviated review indicated in Section 9.7 A is allowed.

A. Required Submittals - Minor Projects

All project applicants shall submit to the Zoning Administrator, the development site plan application provided by the Township and ten (10) copies of the detailed site plan. The detailed site plan shall consist of the following items for review:

1. A site plan with north arrow, drawn to scale showing the property boundaries, the proposed location of structures and other improvements including, where appropriate, roads, driveways, pedestrian walks, off-street parking areas, landscaped areas, fences and walls.
2. A conceptual landscape plan, including required buffers, existing vegetation, water courses, and other significant site features, and proposed new plantings.
3. Accurate scale drawings of all signs indicating their size, material, color and illumination, if any, and the method of installation of any freestanding sign.

4. Conceptual grading and drainage plans with existing and proposed elevations.
5. Such other data as may be required by the Planning Commission to ensure that the purposes of this Chapter are satisfied. The Commission shall state for the record its reasons for asking for additional information.
6. The Planning Commission may waive a requirement or requirements listed above if not deemed necessary for a thorough review. The Commission shall state for the record its reasons for taking such action.

Required Submittals - Major Project

The following are among the items to be included on the detailed plan for major projects. Development site plans should be accurately drawn at the scale of at least one (1) inch equals one hundred (100) feet showing the site and all land and structure within five hundred (500) feet of the site. The Planning Commission may require details to be provided in a scale as great as one (1) inch equals twenty (20) feet. If multiple sheets are used, each must be labeled, dated, and the preparer identified. All project applicants shall submit to the Zoning Administrator, the development site plan application provided by the Township and ten (10) copies of the detailed site plan.

1. The location of proposed or existing property lines, dimensions, legal descriptions, tax parcel numbers, setback lines, and monument locations.
2. A vicinity map drawn at a scale of a minimum of one (1) inch equals two thousand (2000) feet with a north arrow indicated.
3. Existing topographic elevations at two-foot intervals, proposed grades and directions of drainage flows.
4. The location and type of existing soils on the site and any certifications of borings.
5. Boundaries and elevations of existing and proposed water courses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands within five hundred (500) feet of the project site and proposed erosion control measures.
6. Location of existing and proposed buildings and intended uses thereof.
7. Proposed location of accessory structures, buildings and other appurtenances, including, but not limited to, all flag poles, light poles, bulkheads, decks, storage sheds, transformers, air conditioners, generators, and similar equipment, and the method and details of screening, where applicable.
8. Location of existing public roads and streets, that abut or cross the site, plus rights-of-way and private easements of record.
9. Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes or tapers (if any) serving the development. Details of entryway and entryway sign locations should be separately depicted with elevation views.

10. Location, design, and dimensions of existing and proposed curbing, barrier-free access, carports, parking areas (including indication of all spaces, method of surfacing and striping), fire lanes and all lighting and signing thereof.
11. Location, size and characteristics of all loading and unloading areas.
12. Location and design of all trails, walkways, bicycle paths, and other areas for public use.
13. Location of water supply lines and/or wells, including fire hydrants and shut-off valves, and the location and design of storm sewers, retention or detention ponds, waste water lines, clean-out locations, connection points and treatment systems, including septic systems, if applicable.
14. Location and routing of all other utilities on the site, including, but not limited to, natural gas, electric, and data and telecommunication transmissions.
15. Proposed locations, dimensions, and details of common open spaces and common facilities, such as community buildings, or swimming pools, if applicable.
16. Exterior lighting locations with areas of illumination illustrated, as well as the type of fixtures and shielding to be used.
17. Location and specifications for all fences, walls, and other screening features with cross sections.
18. General location and type of significant existing vegetation, including the location and size of all existing trees with a trunk of six (6) inches or more in diameter, four and one-half (4 ½) feet above the ground, if not located in a forest. Forests or large areas of vegetation to be preserved shall be demarcated and designated as such.
19. Locations and specifications for all proposed perimeter and internal landscaping and other buffering features.
20. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
21. Location and specifications for any existing, proposed, or required above or below ground storage facilities for any chemicals, salts, flammable or hazardous materials, as well as any containment structures or clear zones required by government regulations and a Pollution Incident Prevention Plan as required by the Act 245 Program.
22. Identification of any significant or unique site features.
23. Indication of any significant views onto or from the site.
24. The zoning classifications of the site and adjacent properties.
25. North arrow, scale and date of original submittal and all revisions.
26. Such other data as may be required by the Planning Commission to ensure that the purposes of this Chapter are satisfied. The Commission shall state for the record its reasons for requiring such data.
27. The Planning Commission may waive a requirement or requirements listed above if not deemed necessary for a thorough review. The Commission shall state for the record its reasons for taking such actions.

SECTION 9.8 SITE PLAN REVIEW PROCEDURE

- A. When all necessary information as provided by this Chapter is submitted to the Zoning Administrator, the Zoning Administrator shall notify the Planning Commission Chairman.
- B. The Chairman shall place the Site Plan Review on the next available meeting agenda for discussion by the Commission and shall notify the applicant of this action. The applicant shall notify all pertinent agencies, e.g. the County Road Commission, County Drain Commissioner, etc., of the project application and procure the appropriate reviews for the Commission's evaluation.
- C. Within a reasonable time and based upon the standards in Section 9.9, the Planning Commission shall act either to approve or to deny the request for development site plan approval or to provide information to the applicant by which he may amend his plans to conform to certain stipulated requirements to obtain approval. Upon re-submittal, the Planning Commission shall, within sixty (60) days, inform the applicant of the acceptance or rejection of his plans.
- D. If plans are denied at any time, the Planning Commission shall submit in writing to the applicant the reasons for the action.

SECTION 9.9 DEVELOPMENT SITE PLAN REVIEW STANDARDS

The following standards shall be utilized in reviewing all development site plans.

The standards are intended to provide guidance for the applicant in the production of plans as well as a method for the review of site plans by Township Officials.

- A. Elements of Development Site Plan Review
 - 1. Neighborhood and Community Elements:
 - a. *Historical Preservation.* Owners of existing structures of historical significance are encouraged to preserve these structures and to renovate them in a manner which preserves that significance and places them appropriately among other like structures. Variances may be granted by the Zoning Board of Appeals when necessary to accomplish this purpose.
 - b. *Relation of Proposed Buildings to Environment.* Proposed structures shall be related harmoniously to the terrain, the size and shape of a lot, the character of adjoining properties, and the existing buildings in the vicinity that have a visual and functional relationship to the proposed buildings. Such a relationship may include the enclosure of a space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain or other buildings. In all cases, open spaces should be created that are usable.
Other concerns which shall be addressed include microclimate effects created by structure placement, solar exposure and shadow effects, wind and canyon effects, including snow build-up and drifting, and effects upon wetlands, drainage, and

habitat systems.

Views and privacy, while dealing with the siting of buildings on individual parcels, shall be provided for on a larger scale by buffering and screening to preserve or create unintrusive site lines wherever possible.

- c. *Landscape Preservation.* Except in urbanized areas, the landscape shall be preserved in as natural a state as possible by minimizing tree and soil removal. Areas such as steep slopes, wetlands, and littoral areas, as well as resource areas such as forests, wooded lots and farmlands shall be preserved wherever possible. Any grading changes shall be in keeping with the lay of neighboring lands. Golf courses in particular shall be designed to retain as much of the native terrain and herbage as possible and shall provide wide screening buffers between fairways and the public roadways and other non-compatible uses.
- d. *Business Districts.* Design standards may be developed by particular business districts, and if promulgated, will be used to design the elements of structures and site improvements proposed within these districts.
- e. *Trafficways and Gateways.* Site plans shall address the effects of new structures or uses upon traffic at or near their sites including MDOT standards for road access separation. A major use may require a traffic study to determine potential effects and possible necessary mitigating actions. Proposed uses at entryways to the community shall provide appropriate design features to welcome travelers to the community.
- f. *Security, Fire and Emergency Access.* Setbacks, access paths with adequate lane widths and sufficient areas for fire and emergency vehicle turnarounds, and fire hydrant locations (where applicable) shall be provided per existing statutes and ordinances and in accordance with requirements of the appropriate reviewing authorities. All buildings or groups of buildings shall be arranged to permit emergency vehicle access by some practical means to all sides. Where applicable, security shall also be considered integral to the design. Sufficient illumination and ease of surveillance shall be addressed where appropriate.

Engineering Elements:

- a. *Drives, Parking and Circulation.* Parking spaces sufficient only for the intended use shall be allowed. Calculations and justification for spaces provided shall be noted on the plans. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, attention shall be given to the location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and do not detract from the design of proposed buildings and structures and neighboring properties.

Parking areas shall be screened from roadways and from other adjacent uses by landscaped areas or by walls. Sufficient distance between drives and property lines shall be provided.

- b. *Surface Water Drainage.* Attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies and paved areas, and carried away in such a manner that it will not obstruct the flow of vehicular or pedestrian traffic, and will not puddle or freeze in paved areas. Run-off waters shall be detained or retained to remove sediments and to prevent erosion.
- c. *Utility Service.* New utility service distribution lines shall be underground wherever feasible. Any existing utility installations remaining above ground shall be placed out of sight as much as possible and situated harmoniously in relation to neighboring properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated. All utility installations shall be carried out in accordance with the current standards, rules and regulations of those entities having jurisdiction. No project shall be approved without permits or authorization from all appropriate governing agencies.

B. General and Necessary Conditions

All other standards and requirements of this Ordinance and other applicable ordinances, regulations and statutes must be met by development plans presented for review under provisions of this Chapter. It is specifically intended that a use allowed in the Township will not be or become a nuisance within its neighborhood or to the Township as a whole. The Planning Commission may confer or consult with a qualified expert, e.g., a planner, engineer, or landscape architect, at the applicant's expense, to aid it in evaluating a difficult or complex project.

SECTION 9.10 FINAL DEVELOPMENT SITE PLAN APPROVALS

- A. Complete drawings, plus all certified final drawings and plans which are subject to development site plan review and contain all necessary modifications or additions required, shall be submitted before final development site plan approval is granted.
- B. Conditions of Final Approval. Development Site Plans may be approved subject to the performance of certain conditions, including the provision of required improvements as the Commission shall deem to be reasonable and necessary, or advisable under the circumstances, so that the objectives of the Zoning Ordinance, the Master Plan, and any other Township policies and regulations shall be achieved. A development site plan may be approved conditionally upon necessary or required approvals by other local, county, state, or federal agencies.

1. *Performance Guarantee for Required Conditions.* Security may be required to ensure performance of required conditions. The applicant may be required to furnish security in the form of a bond, certified check, or an irrevocable bank letter of credit, acceptable to the Township, in the amount fixed by the Planning Commission. If security is required, the Zoning Administrator shall not issue a zoning permit until the required performance guarantee is received and verified by the Township Clerk.
2. *Provisions of Required Improvements.* Whenever a development site plan approval is granted or modified subject to the conditions that specified improvements be provided by the applicant, such improvements shall be installed by the applicant and approved and accepted by the Zoning Administrator.
3. *Non-performance of Required Conditions.* In the event the applicant defaults in making the improvements for which the performance guarantee was required, the Township Board shall have the right to enforce a letter of credit or to use the monies being held as security to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to cover the costs incurred by the Township to complete the improvements, including attorney's fees and court costs, if any, the applicant shall be required to pay the Township the amount by which the costs of completing the improvements exceeded the amount of the performance guarantee. These costs shall be collected in the same manner as delinquent taxes or as allowed by law.
4. *Condition Declared Void.* Whenever there becomes final any judgment of a court of competent jurisdiction declaring one or more of conditions of a development review approval to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions, said development site plan approval shall cease to be valid and all rights or privileges granted thereby shall end.
5. *Violation of Required Condition or Conditions.* Whenever a development site plan is approved or modified by the Planning Commission subject to a condition or conditions, the use or enjoyment of the development site plan in violation of, or without observance of, any such condition shall constitute a violation of the Zoning Ordinance, and development site plan approval may be revoked.

SECTION 9.11 SPECIAL USES AND CONCURRENT APPROVALS

The Planning Commission may choose to review Special Use Permit and site plan review submittals concurrently. In the event of concurrent review, the Planning Commission shall make sure that both the site plan and special use submittals satisfy all requirements of this Ordinance.

SECTION 9.12 AMENDMENTS TO APPROVED DEVELOPMENT PLANS

- A. Amendments to an approved development site plan may be made by the Planning Commission upon written request by the landowner. Minor changes to an approved development site plan may be approved by the Zoning Administrator after construction has begun, provided no such change results in any of the following:
 - 1. A significant change in use or character of the development.
 - 2. An increase in overall coverage of structures.
 - 3. An increase in the intensity of use.
 - 4. A reduction in the required open space.
 - 5. A change that may increase the storm water run-off to adjacent properties.
 - 6. A reduction in required off-street parking and loading.
 - 7. A reduction in required pavement widths or utility sizes.
 - 8. A significant increase in traffic on public streets or an increase in the burden on public utilities or services.

- B. If the Zoning Administrator finds that a proposed amendment to an approved development site plan does not qualify as a minor change, he shall notify the landowner that he must apply for a modification of the development site plan in accordance with the procedures of Section 9.7; or if the developer or landowner has already effected the changes in question, the Zoning Administrator shall immediately notify the permit holder in writing that development site plan approval has been suspended pending approval by the Planning Commission of the proposed amendment. The permit holder's notice shall be delivered personally or by certified mail. The permit holder shall then apply for a modification of the development site plan in accordance with the procedures in Section 9.7 hereof.

SECTION 9.13 TIME LIMIT FOR APPROVED SITE PLANS

- A. A site plan approval granted pursuant to this Chapter shall be valid for one (1) year from the date of approval. If construction has not commenced by the end of this period, and if a written request for extension of the approval has not been submitted by the applicant, the site plan approval shall expire.

- B. The Planning Commission may grant one (1) extension of the site plan approval for a one (1) year period upon submittal in writing by the applicant of a request for an extension. The Planning Commission shall grant such an extension only upon presentation of written evidence indicating that construction of the project has been delayed by factors beyond the reasonable control of the applicant and that construction on the project is likely to proceed within one (1) year.

SECTION 9.14 APPEAL OF SITE PLAN REVIEW DECISIONS

Any person aggrieved by the decision of the Planning Commission in the approval or denial of a site plan review may appeal said decision to the Zoning Board of Appeals. The appellant shall file a letter with the Zoning Administrator within ten (10) days of the decision of the Planning Commission on the site plan. The appellant's letter shall specify the grounds for the appeal, and the appeal shall be limited to the issues raised in the letter.

In its review of the decision, the Zoning Board of Appeals shall consider the following:

1. The appellant's letter and validity of grounds for appeal.
2. The minutes taken during the Planning Commission's review of the site plan.
3. Any other documentation presented to the Planning Commission prior to its decision on the site plan.
4. Any verbal or written information submitted to the Zoning Board of Appeals in response to a request for the information by the Zoning Board of Appeals.

In its determination of the appeal, the Zoning Board of Appeals may take any of the following actions:

1. Affirm the decision of the Planning Commission with or without modification.
2. Refer the matter back to the Planning Commission for further consideration, study, or additional documentation. The Zoning Board of Appeals shall inform the Planning Commission of the issues that it believes are in need of further consideration, study, or documentation. Once the Planning Commission has examined the issues, it shall send the matter with a report back to the Zoning Board of Appeals for a decision.
3. Reverse the decision of the Planning Commission if the decision is not in accordance with the intent and purpose of this Ordinance.

CHAPTER 10 ADMINISTRATION AND ENFORCEMENT

SECTION 10.1 ZONING ADMINISTRATOR

Unless otherwise designated under a specific provision of this Ordinance, the Zoning Administrator shall be responsible for the administration of this Ordinance. The Zoning Administrator shall be a qualified individual appointed by the Township Board. The terms, conditions, and rate of compensation shall be determined by the Board. All authority delegated to the Zoning Administrator is granted by the Township Board.

SECTION 10.2 ZONING PERMIT REQUIRED

Except as otherwise provided, no building or structure of any kind over 200 square feet, including signs as regulated by this Ordinance, shall be erected or any restricted use undertaken until a permit has been issued by the Zoning Administrator. Once it has been determined by the Zoning Administrator that the proposed building, structure, or use is in conformance with all the provisions of this Ordinance and appropriate fees are paid, a Zoning Permit may be issued. The Zoning Permit shall be non-transferable and shall remain valid for one (1) year from the date of issuance. A Zoning Permit must be obtained prior to the application for a building permit.

SECTION 10.3 APPLICATION FOR ZONING PERMIT

All applications for Zoning Permits shall be made to the Zoning Administrator with the accompanying fee. The fee shall be set by the Township Board. The application shall be made up of the following:

- A. A site plan with north arrow drawn to scale showing the location and size of the proposed building(s), structure(s), or use as it relates to roads and rights-of-way, lot lines, other buildings on the site, existing or proposed sewage disposal facilities, existing or proposed water wells, and lakes, streams, or wetlands, and any other items required by this Ordinance to illustrate the intended use and its site; or the site plan approved by the Planning Commission or Zoning Board of Appeals.
- B. A statement by the applicant outlining the intended use and purpose for the proposed building(s), structure(s), or land in question.

SECTION 10.4 ISSUANCE OF ZONING PERMIT

Within ten (10) days of the receipt of the application for Zoning Permit, the Zoning Administrator shall issue a Zoning Permit if it is found that the application is complete and that the proposed building(s), structure(s), and/or use is in conformance with the requirements of this Ordinance and all required fees are paid. The Zoning Administrator shall keep a record of all permits issued and report these monthly to the Planning Commission and the Township Board.

SECTION 10.5 FAILURE TO OBTAIN PERMIT

The permit fee shall be doubled upon failure to obtain a permit from the Zoning Administrator before beginning construction.

SECTION 10.6 DENIAL OF ZONING PERMIT

Within ten (10) days of the receipt of the application for Zoning Permit, the Zoning Administrator shall deny a Zoning Permit if it is found that the application is not complete or that the proposed building(s), structure(s), or use cannot be located in conformance with the requirements of this Ordinance, or the required fees are not paid. The Zoning Administrator shall inform the applicant in writing of the reasons for the denial of the permit. The Zoning Administrator shall keep a record of all permits denied and report these monthly to the Planning Commission and the Township Board.

SECTION 10.7 REVOCATION OF ZONING PERMIT

The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with any provision of this Ordinance or any false statement or misrepresentation made in the application. The revocation or cancellation of the Zoning Permit shall be made in writing and all construction, uses, or other activities allowed by the permit shall cease.

SECTION 10.8 APPEALS OF THE DECISION OF THE ZONING ADMINISTRATOR

Any decision of the Zoning Administrator concerning the enforcement or interpretation of this Ordinance may be appealed to the Zoning Board of Appeals. The appeal, along with the appropriate fee, shall be filed with the Township Clerk within ten (10) days of the decision of the Zoning Administrator. The Zoning Board of Appeals shall review the available evidence and make a decision to uphold or reverse the decision of the Zoning Administrator.

SECTION 10.9 ENFORCEMENT

- A. Any building or structure moved, erected, razed, converted, or used and any use of land or premises which is carried on in violation of this Ordinance is declared to be a nuisance per se. All buildings, structures, and land uses considered to be violations of this Ordinance shall be reported to the Zoning Administrator.
- B. The Zoning Administrator shall inspect all alleged violations of this Ordinance. In the event that a violation is found, the Zoning Administrator shall issue within seven (7) days from the date of inspection, a written order to correct the violation and to otherwise comply with the provisions of this Ordinance.

- C. After the order to correct has been issued, the violation shall be corrected within thirty (30) days. If the violation cannot be corrected within 30 days, an application to extend the correction period may be made to the Township Board. Any violation not corrected shall be reported to the Township Board. The Township Board may then initiate legal procedures against the violator.
- D. Any person, firm, or organization that violates or refuses to comply with any provision of this Ordinance or lawful order of the Zoning Administrator, Zoning Board of Appeals, or Township Board issued pursuant to this Ordinance shall be guilty of a misdemeanor. Upon conviction thereof, one shall be punishable by a fine not to exceed five hundred (\$500.00) dollars or by imprisonment for not more than ninety (90) days, or both. Each day during which a violation continues shall be deemed a separate offense. The Township Board reserves the right to pursue civil remedies (the collection of fees, injunctive relief, and corrective measures) for certain provisions of this Ordinance in accordance with applicable state statutes.
- E. The Zoning Administrator, the Township Board, and the Zoning Board of Appeals, or any interested party may bring a suit for an injunction, mandamus, abatement or any other appropriate method to prevent, enjoin, abate, or remove any violations of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

SECTION 10.10 PUBLIC NOTICE

All applications requiring a public hearing shall comply with the following provisions:

- A. When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator or the Clerk shall prepare the content of the notice and have it published in a newspaper of general circulation in the Township of Arthur and mailed or delivered as provided in this Section.
- B. All mail, personal and newspaper notices for public hearing shall:
 1. Describe the nature of the request: Identify whether the request is for rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 2. Identify the location: Indicate the property or (properties) that is the subject of the request. The notice shall include a listing of all existing street addresses of the subject property. Street addresses need not be created and listed if no such addresses currently exist for the property. Other means of identification may be used such as a currently exist for the property. Other means of identification may be used such as a tax parcel identification number, identifying the nearest cross streets, or by including a map showing the location of the property or properties if the subject of the hearing is for less than eleven (11) adjacent properties or when the request is for an ordinance interpretation not involving a specific property.

3. Indicate the date, time and place of the public hearing(s).
 4. Include a statement the request and where written comments will be received concerning the request and where written text, maps or other materials pertinent to the hearing may be viewed or obtained.
- C. When the provisions of this Ordinance or state law require that a personal or mailed notice given:
1. Notice shall be provided:
 - a. To the owner of property for which approval is being considered, and the applicant, if different than the owner of the property.
 - b. Except for rezoning request involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property, to all persons to whom real property is assessed within five hundred (500) feet of the boundary of the property subject to the request, regardless of whether the property or the occupant is located within the boundaries of the Township of Arthur. If the name of the occupant of the property is not known, the term “occupant” may be used in making notification.
 - c. To all neighborhood organizations, public utility companies, railroads, the manager of each airport and other persons or organizations which have requested to receive notice pursuant to Section 10.11, Registration to Receive Notice by Mail, that are within the zone or district affected by the subject request.
 2. Notice by mail affidavit: Notice shall be deemed mailed by its Deposit in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator or the Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered and shall provide an affidavit thereof.
- D. The above notices shall be given not less than 15 days before the date The application will be considered for approval.

SECTION 10.11 REGISTRATION TO RECEIVE NOTICE BY MAIL

- A. Any neighborhood organization, public utility company, railroad or any other Person or organization may register with the Zoning Administrator or the Clerk to receive written notice of hearing of applications for approval pursuant to Section 10.10 C.c. Fees may be assessed for the provision of this notice.
- B. All registered entities or persons must re-register by-annually to continue to Receive notification pursuant to this Section.

CHAPTER 11 ZONING BOARD OF APPEALS

SECTION 11.1 AUTHORIZATION

There is hereby established a Zoning Board of Appeals, which shall derive its authority from Public Act 110 of 2006. The Michigan Zoning Enabling Act, as amended. The Board of Appeals shall ensure that the spirit and intent of this Ordinance is upheld, that the public health, safety and welfare is advance, and that substantial justice is done.

SECTION 11.2 MEMBERSHIP AND PROCEDURES

- A. The Township Zoning Board of Appeals shall consist of five (5) members. The first member of the Board of Appeals shall be a member of the Township Planning Commission, one (1) member may be a member of the Township Board, the remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as chairman of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals. Members of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing.
- B. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called upon to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more consecutive meetings of the Board of Appeals, or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member shall serve on the Board of Appeals until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- C. Terms of Zoning Board of Appeals members shall be for three (3) years, except for members of the Planning Commission or Township Board, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term for the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- D. The total amount allowed such Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Township Board.

- E. The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose a chairman, and in the chairman's absence, an acting chair.
- F. Meetings shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public.
- G. Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members of the final disposition of each use. Such minutes shall be filed in the office of the Township Clerk and become public records.
- H. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any decision of the Zoning Administrator, to decide in favor of the applicant any matter upon which the Board is required to pass, or to grant any variance of the terms or conditions of this Ordinance.
- I. The Zoning Board of Appeals shall return a decision upon each case within a reasonable amount of time. All decisions of the Board of Appeals are final and appeals must be filed with a court of competent jurisdiction within thirty (30) days of the ZBA's decision in writing signed by the chairperson or signed by the members of the ZBA if there is no chairperson; or 21 days after the ZBA approves the minutes of its decision.
- J. A member of the Zoning Board of Appeals shall disqualify oneself from a vote in which the member has a conflict of interest. Failure of a member to disqualify oneself from a vote in which the member has a conflict of interest shall constitute misconduct.
- K. The Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Chapter.

SECTION 11.3 VARIANCES

The Zoning Board of Appeals is authorized to grant, upon application, variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance which is dimensional in nature may be brought before the Zoning Board of Appeals to be considered for variance. The Board may attach any conditions it deems necessary to a variance to ensure that the spirit and intent of this Ordinance is carried out.

- A. The Board of Appeals shall ensure that all variances comply with the following:
 1. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.
 2. Will not permit the establishment of a use within a district where it is prohibited.

3. Will not adversely affect property values in the immediate vicinity or in the Township as a whole.
 4. Will relate only to the property for which the application has been submitted.
 5. Is not a request that occurs regularly, that could be addressed through an amendment to this Ordinance.
- B. The Board of Appeals shall not grant a variance unless at least one (1) of the following is demonstrated:
1. Where there are exceptional or extraordinary circumstances to the intended use or physical conditions such as narrowness, shallowness, shape, or topography of the property involved that generally do not apply to other properties or uses in the same district. Such circumstances or conditions shall not be considered grounds for a variance if they have been caused by the applicant or previous owner after the effective date of this Ordinance.
 2. Where there are practical difficulties which prevent the carrying out of the strict letter of this Ordinance. Generally economic difficulty on its face is not a qualifying difficulty. Difficulties should be evaluated in terms of the use of the parcel or property.
 3. Where the lot or parcel was lawfully recorded prior to the effective date of this Ordinance or any amendment thereto, and the dimensional provisions of this Ordinance prohibit the use of the lot or parcel in accordance with the district regulations.
 4. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same district.
- C. Any variance that is denied wholly or in part shall not be resubmitted for review for a period of one (1) year from the date that the Board last took action on the request unless substantive new evidence is to be presented or new circumstances arise.
- D. No use variances may be granted by the Zoning Board of Appeals.

SECTION 11.4 ADMINISTRATIVE REVIEW

The Zoning Board of Appeals is authorized to review all decisions made in the administration of this Ordinance. The Board may uphold, reverse, or modify any order, decision or determination made by the Zoning Administrator, Planning Commission, or any other entity except as otherwise noted in this Ordinance. The appeal or request for administrative review shall be submitted to the Township Clerk with the required fee.

The filing of an appeal or request for administrative review shall stay all proceedings in furtherance of the action being reviewed. If the Zoning Administrator certifies in writing to the Zoning Board of Appeals that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.

SECTION 11.5 INTERPRETATION AND CLASSIFICATION OF USES

Upon application or petition and the filing of the appropriate fees, the Zoning Board of Appeals shall be authorized to interpret any uncertainty that may occur in the administration of this Ordinance.

- A. The Board shall determine the precise location of the boundary lines between zoning districts when there is a question about the exact location.
- B. The Board shall interpret any provision of this Ordinance when the Zoning Administrator is unable to clearly determine its meaning, intent, or purpose.
- C. The Board may classify any activity which is not specifically mentioned in the district regulations as a Permitted Principal Use or a Conditional Use.
The basis for such classification shall be that the activity is consistent and similar to the uses already listed in the district.
- D. The Board may determine the off-street parking and loading space requirements for any use or activity which cannot be determined under the provisions of this Ordinance.

The Zoning Administrator shall keep a record of all decisions made by the Zoning Board of Appeals and make such record available to the Township Board, Planning Commission and the public.

SECTION 11.6 HEARING NOTICES

All zoning Board of Appeals hearings shall meet the public notice requirements of Section 10.10 of this Ordinance.

CHAPTER 12 AMENDMENTS AND REZONING

SECTION 12.1 AUTHORIZATION

Amendments to this Ordinance may be made as is deemed necessary, and shall be in accordance with Public Act 110 of 2006. The Michigan Zoning Enabling Act, as amended.

SECTION 12.2 REZONING

For the purposes of this Chapter and other applicable Sections of this Ordinance, the term “rezoning” shall be considered an amendment to the Zoning District Map. The procedure for rezoning shall follow the procedure set forth in this Chapter for Amendments.

SECTION 12.3 INITIATION OF AMENDMENTS

Proposals for amendments may be initiated by the Township Board, Planning Commission, or any person or persons having an interest.

SECTION 12.4 PROCEDURE

- A. Each petition by one (1) or more owners or their agents, to amend the text or map (rezoning) of this Ordinance shall be submitted upon an application of standard form to the Zoning Administrator. A fee as established by the Township Board shall be paid at the time of application. The Zoning Administrator shall transmit the application and other information to the Planning Commission for its consideration and recommendations.
- B. The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as set forth in the Township Master Plan, as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the amendment petition. Following the notice and hearing requirements of this Section, the Planning Commission shall forward a recommendation on the proposed amendment along with a copy of the public hearing minutes to the Township Board and the County Planning Commission.
- C. Before making a recommendation on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing, with notice being given by the Township as specified in Section 10.10 of this Ordinance.
- D. Upon receipt of the County Planning Commission’s recommendation or expiration of thirty (30) days, the Township Board shall review both the County’s and the Planning Commission’s recommendations. The Township Board shall adopt or reject the proposed amendment unless one (1) or more of the following occurs:

1. The Township Board shall grant a hearing on the proposed amendment to any party who has filed a written request for such a hearing with the Township Clerk. Said request shall be filed in a timely manner. The Planning Commission, or its designated representative, may be requested to attend the hearing. Notice of the hearing shall be made in accordance with Section 10.10 of this Ordinance.
 2. The Township Board deems advisable any changes or additions to the Amendment recommended by the Planning Commission, it may refer the changes or additions back to the Planning Commission for a report thereon within thirty (30) days. After receiving the report, the Township Board may grant a hearing on the proposed amendment to any interested property owner who requests a hearing. The request for hearing shall be addressed to the Township Clerk and delivered by certified mail. The Township Board shall request the Planning Commission, or its designated representative, to attend the hearing.
- E. Following a hearing or review of the Planning Commission's report, if requested, and otherwise, The Township Board by majority vote of its membership may adopt or reject the proposed amendment with or without changes.
- F. If the amendment is adopted and an effective date is not specified, the amendment will take effect seven (7) days after publication.
- G. The amendment shall be filed with the Township Clerk and one (1) notice of adoption shall be published in a newspaper of general circulation within fifteen (15) days of adoption. The notice shall contain:
1. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
 2. The effective date of the amendment; and
 3. The time and place where a copy of the amendment may be purchased or inspected.
- J. An amendment for the purpose of conforming a provision of the Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific land may be adopted by the Township Board and the notice of the adopted amendment published without a hearing or referring the amendment to any other board or agency provided for in this Ordinance.

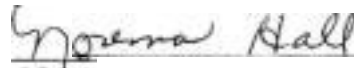
AMENDMENTS

<u>SECTION NUMBER</u>	<u>DESCRIPTION</u>	<u>DATE</u>
#70-02-2010	Ordinance to create a township	2-10-10
#71-02-2010	Amendment to Sec. 10.10C see attached	2-10-10

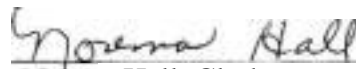
The Arthur Township Board, Clare County, State of Michigan adopted the Arthur Township Zoning Ordinance resolution #94-03-03. Resolution offered by Board member Lamar Gunden and supported by Board member Erma Kleinhardt, upon roll call vote, the following voted: Beth Rountree aye, Erma Kleinhardt aye, Lamar Gunden aye, Lee Schunk aye, & Norma Hall aye, (5), "nays" None (0).

The Supervisor Lee Schunk declared the resolution adopted.

I, NORMA HALL, the duly elected and acting Clerk of Arthur Township hereby clarify that the foregoing resolution was adopted by the Township Board of said Township at the Regular meeting of said Board held on March 03, 2003, at which meeting a quorum was present by roll call vote of said members as hereinbefore set forth.


Norma Hall, Clerk

Filed with Clare County Clerk, State of Michigan April 21, 2003 Filed with Clare
County District Court, State of Michigan April 21, 2003


Norma Hall, Clerk

Ordinance to Create A Township Planning Commission **Arthur Township Ordinance No. 70-02-2010**

The Township of Arthur ordains:

Section 1. Pursuant to the authority of and subject to the powers, duties and limitations provided in Public Act 33 of 2008, as amended, and the terms and conditions of this Ordinance and any subsequent amendments, there is hereby created a Township Planning Commission for the Township of Arthur, Clare County, State of Michigan. The Planning Commission shall be known as the Arthur Township Planning Commission.

Section 2. The Township Planning Commission shall consist of seven members appointed by the Township Supervisor, subject to approval by a majority vote of the Township Board. One member of the Township Board shall be appointed to the Planning Commission as an ex officio member. Such members shall be appointed for three-year terms and be individually representative of important segments of the economic, governmental, social life and development of the Township in accordance with the major interests as they exist in the Township, such as agriculture, recreation, education, public health, government, transportation, industry, commerce, forestry, labor and social welfare. All members shall be qualified electors except one member may be an individual who is not a qualified elector of Arthur Township.

Section 3. Members may upon written charges, and after a public hearing thereon, be removed by the Township Supervisor with approval by a majority vote of the full membership of the Township Board for misfeasance, malfeasance or nonfeasance in office.

Section 4. The Township Planning Commission, at its first meeting and annually thereafter, shall elect a chairperson, vice-chairperson, and secretary from among its members. The ex officio member may not be chairperson. The terms of all officers shall be one year with eligibility for reelection. The Secretary and Township Clerk shall be responsible to keep an accurate record of all resolutions, transactions, findings and determinations; such records shall be public record. The Planning Commission shall create and fill such other offices or subcommittees as it deems advisable. The Planning Commission may also appoint advisory committees or councils that may be composed of individuals qualified by experience, training, or interest to assist in the consideration and solution of township problems.

Each year the Township Planning Commission shall make and file an annual report with the Township Board. Said report shall summarize its operations and the status of planning and zoning activities, including recommendations regarding actions by the Township Board related to planning and other community development concerns.

Section 5. Four members of the Township Planning Commission shall constitute a quorum for the transaction of business. The Township Planning Commission shall make and adopt bylaws for the transaction of business and shall keep public record of its resolutions, transaction, findings and determinations consistent with PA 442 of 1976. Such records and rules shall be available for public inspection at the office of the Township Clerk.

Section 6. The Township Planning Commission shall meet as often as is determined necessary, but not less than four (4) meetings per year, at such times and places as may be fixed by resolution of the Commission. Special meetings may be called at any time, either by the Chairperson or by written request of two members to the Secretary, who shall send written notice to all members of the Commission at least 48 hours in advance of the special meeting. All meetings of the Township Planning Commission, including both regular and special meetings, shall be open to the public and shall be governed by all applicable provisions of the Open Meetings Act, being PA 267 of 1976, as amended.

Section 7. The members of the Township Planning Commission shall receive as compensation for their services such amounts as determined from time to time by the Township Board. The members of the Township Planning Commission may be reimbursed for any actual, reasonable, and necessary expenses incurred in the discharge of their duties as authorized by the Township Board.

Section 8. The Township Board, upon recommendation of the Planning Commission, may employ a director and such personnel as it may deem necessary, contract for the part-time or full-time services of planning or other technicians, and pay or authorize the payment of expenses with the funds budgeted and provided for planning purposes by the Township Board. The Township Planning Commission is authorized to make use of the expert advice, including that of the township zoning administrator, and information that may be furnished by appropriate federal, state, and county officials, departments, and agencies having information, maps and data pertinent to township planning.

Section 9. It shall be a function of the Township Planning Commission to develop, adopt, and maintain a plan for the development of unincorporated portions of the Township. This document shall be called the Arthur Township Master Plan. The Commission shall consult, with respect to its planning, with representatives of adjacent townships, the Clare County Planning Commission, representatives of incorporated areas within the Township, and the regional council of governments.

The Master Plan shall include maps, plats, charts, and descriptive, explanatory, and other related matter and shall show the planning commission's recommendations for the physical development of the planning jurisdiction. The plan shall include a land use plan and program, the general location of public infrastructure, recommendations as to the general character for redevelopment of blighted areas, and recommendations for implementing its proposals. The purpose of the plan shall be to guide and accomplish, in the planning jurisdiction and its environs, development that satisfies all of the following criteria:

1. Is coordinated, adjusted, harmonious, efficient, and economical.
2. Considers the character of the planning jurisdiction and its suitability for particular uses, judged in terms of such factors as trends in land and population development.
3. Will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and general welfare.
4. Includes, among other things, promotion of or adequate provision for one or more of the following:
 - a. A system of transportation to lessen congestion on streets.
 - b. Safety from fire and other dangers.
 - c. Light and air.

- d. Healthful and convenient distribution of population.
- e. Good civic design and arrangement and wise and efficient expenditure of public funds.
- f. Public utilities such as sewage disposal and water supply and other public improvements.
- g. Recreation.
- h. The use of resources in accordance with their character and adaptability.

In preparation of the Master Plan, the Township shall do all of the following as applicable:

1. Make careful and comprehensive surveys and studies of present conditions and future growth within the planning jurisdiction with due regard to its relation to neighboring jurisdictions.
2. Consult with representatives of adjacent local units of government in respect to their planning so that conflicts in master plans and zoning may be avoided.
3. Cooperate with all departments of the county, state and federal governments and other public agencies concerned with programs directed toward the economic, social and physical development of the Township, and seek the maximum coordination of the programs of these agencies. The Township Planning Commission shall serve as a coordinating agency for all planning committees and commissions within the Township.

The Master Plan shall address land use and infrastructure issues and may project 20 years or more into the future. A master plan shall include those of the following subjects that reasonably can be considered as pertinent to the future development of the planning jurisdiction:

1. A land use plan that consists in part of a classification and allocation of land for agriculture, residences, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forests, woodlots, open space, wildlife refuges, and other uses and purposes.
2. The general location, character, and extent of streets, railroads, airports, bicycle paths, pedestrian ways, bridges, waterways, and waterfront developments; sanitary sewers and water supply systems; facilities for flood prevention, drainage, pollution prevention, and maintenance of water levels; and public utilities and structures.
3. Recommendations as to the general character, extent, and layout of redevelopment, or rehabilitation of blighted areas; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension, of streets, grounds, open spaces, buildings, utilities, or other facilities.
4. A zoning ordinance, a zoning plan for various zoning districts controlling the height area, bulk, location, and use of buildings and premises. The zoning plan shall include an explanation of how the land use categories on the future land use map relate to the districts on the zoning map.
5. Recommendations for implementing any of the master plan's proposals.

If the Master Plan is or includes a master street plan, the means for implementing the master street plan in cooperation with the county road commission and the state transportation department shall be specified in the master street plan in a manner consistent with the respective powers and duties of and any written agreements between these entities and the Township.

Section 10. The Planning Commission may, by a majority vote of the members, adopt a subplan for a geographic area less than the entire planning jurisdiction, if, because of the unique physical characteristics of that area, more intensive planning is necessary for the purposes set forth above.

Section 11. The Township Planning Commission may adopt the plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, the parts corresponding with major geographical sections or divisions of the Township or with corresponding functional divisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. The adoption of the plan, or of any such part, amendment, extension, or addition, shall take place after review of the plan or part thereof in accordance with Sections 39, 41 and 43 of the Michigan Planning Enabling Act, of Public Act 33 of 2008.

The approval of the proposed master plan shall be by resolution of the planning commission carried by the affirmative votes of not less than a majority of the members of the Planning Commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the planning commission to form the master plan. A statement recording the planning commission's approval of the Master Plan, signed by the chairperson or secretary of the planning commission, shall be included on the inside of the front or back cover of the master plan and, if the future land use map is a separate document from the text of the master plan, on the future land use map. Following approval of the proposed master plan by the planning commission, the secretary of the planning commission shall submit a copy of the master plan to the Township Board.

Section 12. Approval of the proposed master plan by the Township Planning Commission is the final step for adoption of the master plan unless the legislative body by resolution has asserted the right to approve or reject the master plan. In that case, after approval of the proposed master plan by the planning commission, the Township Board shall approve or reject the proposed master plan. A statement recording the Board's approval of the master plan, signed by the clerk, shall be included on the inside of the front or back cover of the master plan and, if the future land use map is a separate document from the text of the master plan, on the future land use map.

Section 13. If the Board rejects the proposed master plan, the Board shall submit to the planning commission a statement of its objections to the proposed master plan. The planning commission shall consider the board's objections and revise the proposed master plan so as to address those objections. The procedures provided in Section 12 and this section shall be repeated until the Board approves the proposed master plan.

Section 14. Amendments to the plan shall be adopted in the same manner as listed above except editorial, header, or title changes or a change to conform to an adopted plat may be made without notification and the other required procedures for plan adoption. Subplans only require a notice of intent to prepare a subplan to surrounding communities unless the entity receiving notice responds that it wishes to receive further notices.

Section 15. At least every five years the Township Planning Commission shall review the Master Plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan. The review and its findings shall be recorded in the minutes of the relevant meeting or meetings of the planning commission.

Section 16. A street, square, park, playground, public way, ground, or other open space, or public building or other structure shall not be constructed or authorized for construction in an area covered by the Township Master Plan unless the location, character, and extent of the street, public way, open space, structure, or utility have been submitted to the Planning Commission by the Board or other body having jurisdiction. The Planning Commission shall submit its reasons for

approval or disapproval to the Township Board. If the Planning Commission disapproves, the Board may overrule the planning commission by a vote of not less than a majority of its membership. If the Planning Commission fails to act within 35 days after submission of the proposal to the planning commission, the project shall be considered to be approved by the planning commission.

Section 17. When requested by the Township Board, the Planning Commission shall prepare a Capital Improvements Program.

Section 18. in order to insure a more rational, efficient and orderly pattern of land subdivision and construction of public physical improvements within the Township, the Planning Commission is empowered to continually communicate with the County Road Commission, the County Drain Commission and any other county or township entities concerned with land subdivision review and the provisions of physical improvements within the township, in the development and amendments of regulations governing the subdivision of land, including but not limited to, subdivision design, standards of design and the physical improvement that may be required. This power shall not be exercised in any manner contrary to PA 288 of 1976, the Subdivision Control Act, as amended. Recommendations for a subdivision ordinance or rule may address plat design, including the proper arrangement of streets in relation to other existing or planned streets and to the master plan, adequate and convenient open spaces for traffic, utilities, access of firefighting apparatus, recreation, light, and air, and the avoidance of congestion of population, including minimum width and area of lots. The recommendations may also address the extent to which streets shall be graded and improved and to which water and sewer and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of a plat.

Section 19. If the township has adopted a master plan or master street plan, the Planning Commission shall review and make recommendations on plats before action thereon by the board under section 112 of the Land Division Act, 1967 PA 288, MCL 560.112.

The Planning Commission shall not take action on a proposed plat without affording an opportunity for public hearing thereon. A plat submitted to the planning commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time, and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the municipality. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

The Planning Commission shall recommend approval, approval with conditions, or disapproval of a plat within 63 days after the plat is submitted to the planning commission. If applicable standards under the land division act, 1967 PA 288, MCL 560.101 to 560.105 and an ordinance or published rules governing the subdivision of land authorized under section 105 of that act are met, the planning commission shall recommend approval of the plat. If the planning commission fails to act within the required period, the plat shall be considered to have been recommended for approval, and a certificate to that effect shall be issued by the planning commission upon request of the proprietor. However, the proprietor may waive this requirement and consent to an extension of the 63-day period. The grounds for any recommendation of disapproval of a plat shall be stated upon the records of the planning commission.

A plat approved by the township and recorded under section 172 of the land division act, 1967 PA 288, MCL 560.172, shall be considered to be an amendment to the master plan and a part thereof.

Approval of a plat by the township does not constitute or effect an acceptance by the public of any street or other open space shown upon the plat.

Section 20. The Township Planning Commission shall have the power to promote public interest in and understanding of the master plan and to that end may publish and distribute copies of the Township Master Plan or of any report and employ other means of publicity and education as it may determine advisable. Members of the commission, when duly authorized by the Township Board, may attend conferences and meetings dealing with planning problems and techniques, and any hearings on pending planning legislation. The Township Board may pay the reasonable traveling expenses incident to such attendance. The Township Planning Commission, as a part of its duties, shall consult and advise with public officials and public agencies, other planning commissions or committees, private organizations and agencies, and citizens of the Township to develop adequate support and understanding of the objectives of the Township Master Plan. Gifts and grants for Planning Commission purposes shall be deposited with the Township Treasurer in a special nonreverting Planning Commission fund for expenditure by the Planning Commission for the purpose designated by the donor.

Section 21. Any amendment, which may hereafter be made to PA 33 of 2008, shall hereby be deemed to automatically control the activities of the Township Planning Commission created hereunder unless the same are specifically determined not to apply.

Section 22. All resolutions or ordinances and amendments thereto previously enacted by the township to create its planning commission are hereby rescinded and repealed.

Section 23. The Township Clerk shall, within ten (10) days of the passage of this Ordinance, publish a notice of ordinance adoption in a newspaper having general circulation within the Township. Said Ordinance shall become effective thirty (30) days after adoption by the Township Board.

Adopted: _____ 2008

Effective: _____ 2008

I am **the** Composition **Manager of the Clare County Review**, a newspaper printed and published in the City of Clare, County of Clare, State of Michigan. The annexed is a copy of a Legal Notice which was published in said newspaper 2 week(s), and the first publication was on Friday, March 14,2003 and the last publication was on Friday, March 21,2003.



Debra Sue Bell

Subscribed and-sworn to before me the 21 st day of April, A.D., 2003.



Kathleen M. Vallancourt



KATHLEEN M. VALLANCOURT
NOTARY PUBLIC - MICHIGAN
CLARE COUNTY
MY COMMISSION EXPIRES FEB 1, 2004

Arthur Township Ordinance No. 71-02-2010

Amendments to the Arthur Township Zoning Ordinance

The Township of Arthur, Clare County ordains:

1. Change Section 10.10 C. 1 .b. to read:

Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property, to all persons to whom real property is assessed *and to the occupants of all structures* within 300 feet of the boundary of the property subject to the request, regardless of whether the property or the occupant is located within the boundaries of the Township of Arthur. *In structures containing four or fewer dwelling units, one occupant of each unit must be given notice. In structures containing more than four dwelling units, a single notice may be given to the owner or the manager to be posted at the primary entrance to the structure.* If the name of an occupant of a structure is unknown, the term “occupant” may be used in making notification.

2. Change Section 10.10 C. 2. to read:

Notice and Affidavit: Notice as described in this section shall be considered given when personally delivered or when deposited during normal business hours for delivery with the United States Postal service or other public or private delivery service. The secretary of the planning commission, the zoning administrator, or the clerk shall prepare a list of property owners, registrants, and others to whom notice was given and shall provide an affidavit thereof

3. Add to Section 11.2 B:

The Township board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. *One alternate may be a township board member if no regular member of the ZBA is a board member.* An alternate member may be called upon to serve as a regular member of the Zoning board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the Board of Appeals, or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member shall serve on the Board of Appeals until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

4. Add to Section 11.2 J:

A member of the Zoning Board of Appeals shall disqualify him or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify him or herself from a vote in which the member has a conflict of interest shall constitute misconduct.

A member of the zoning board of appeals who is also a member of the planning commission or the Township Board shall not participate in a public hearing on, or vote on, the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

5. Change Section 12.4 F.1. to read:

The Township Board shall grant a hearing on the proposed amendment to *an interested property owner who requests a hearing by certified mail in a timely manner, addressed to the clerk of the Board. Notice of the hearing shall be given to the interested property owner as prescribed in Section 10.10; no other notices are required.*